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SOUTH AFRICA.

No. 1.

The RIGHT HON. SIR MICHAEL HICKS BEACH, BART., to GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I.

SIR, Downing Street, November 14, 1878.

I HAVE received within the last few days numerous communications from relations and friends of members of the Cape Frontier Armed and Mounted Police Force, complaining of the manner in which the members of the force have been treated under the Act passed during last session in the Cape Parliament for the re-organisation of the force under the new designation of the Cape Mounted Rifles.

2. It is stated, in addition to other complaints as to hardships undergone through insufficiency of accommodation and supplies, that whereas the members of the police force were enlisted as a civil police under a three years' engagement, they have, without being allowed the option of taking their discharge, been required to sign an agreement to serve an additional three years, or six years in all, in a military force under the Mutiny Act, and under rules subjecting the men to imprisonment for minor offences; and that in consequence of some having refused to do so upwards of 200 have been placed under arrest in camp, while 20 others have been sentenced to six months' hard labour.

3. It is very probable that further complaints will be addressed to me on this subject, on which I am at present without any information, and I have to request you to furnish me with full details at your early convenience.

4. Copies of some of the principal communications which I have received will be sent to you by the next mail, but I shall hope to receive at once such explanations as may enable me to remove the apprehensions which are entertained.

I have, &c.

Governor Sir Bartle Frere, Bart., &c. &c. &c.

(Signed) M. E. HICKS BEACH.

No. 2.

The RIGHT HON. SIR MICHAEL HICKS BEACH, BART., to GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I.

SIR, Downing Street, November 21, 1878.

I HAVE now the honour to transmit to you the accompanying copies of the communications* which have been addressed to me on the subject of the injustice stated to have been done to the members of the Frontier Armed and Mounted Police Force under the "Cape Mounted Riflemen Act" of last session.

I have, &c.

Governor Sir Bartle Frere, Bart., &c. &c. &c.

(Signed) M. E. HICKS BEACH.

No. 3.

MR. J. WALKER to COLONIAL OFFICE.

113, Vyse Street, Birmingham,

SIR, November 23, 1878.

I RESPECTFULLY beg to call your attention to the case of my son Walter Berrin Walker, who has honourably served his full term of three years in the Frontier Armed and Mounted Police, but I am afraid is being detained against his will, he left home (not from any necessity as many have done) but from a thorough spirit of adventure, thinking nothing of the time lost, and hardships he had to encounter, and these have not been a few, but in all his letters home he has made light of them, and two different captains he served under have written me a good account of him, but his last letter (copy of part I send at back) is far from satisfactory. I am not so fearful for my boy as I know his pluck will carry him with honour to the last, but I think it anything but correct to impress for further service against the will of an honourable respectable man. I wrote to the Commandant in May last, it was of great consequence my son should return at the end of his term, as he is to take my place in the business at Christmas next, which letter was returned to me merely stating on the back the enclosure was forwarded

* Not printed.

to my boy. I have written to Sir Bartle Frere and have sent him my retured letter from the commandant. Can you, Sir, help a distressed family, his poor mother thinks he may be in prison, and as to myself, after over 40 years' hard work I want the help of my boy.

I have, &c.

The Under Secretary of State,
Colonial Office.

(Signed) JOHN WALKER.

Copy of part Letter from W. B. Walker, Kokstadt, July 8, 1878.

"I dont intend staying in the police, there are 14 of us, all waiting for discharges, and they all vow should Government try to keep them they will lay down their arms; it is not the fighting we care for it is the hardships; fancy sleeping in open field, with two blankets and no tent, the weather cold as possible, and ten to one if you get anything but mealies to eat, &c., &c., it seems the Government can do as they please with us, we are worse than slaves, &c., &c. I will write to you first post in August if I get my discharge, &c., &c."

By the above we have been expecting a letter the last two months, but none to hand, which makes us think our son is being detained against his will. I called at the Colonial Office last Wednesday, and had the pleasure of seeing Mr. H. Norris, who kindly told me I had better address you upon this subject.

Should you think it requisite I will be in London any time you may appoint and bring all correspondence from my son.

J. W.

The Cape Mounted Police and Mounted Rifles.

To the Editor of "The Daily Telegraph."

Sir,

May I ask you, in the interests of common justice to give publicity to the following facts, which I learn from my son in South Africa?

A year ago he went thither on a three years' engagement with the Government to join the Cape Mounted Police, in which he has served hitherto. In this service he has borne hardships without complaint; but it appears that within the last two months the police force has been turned into a rifle regiment, and placed under military instead of civil control, and that my son has not the option of declining to enlist in it. In fact some 20 or 30 of his comrades—I fear my son among the number—have been already tried by court-martial, and sentenced to six months imprisonment for thus refusing. In this new regiment the service is to be for six years instead of three.

I feel sure that so monstrous an invasion of the rights of Englishmen has only to be made known in your columns in order to find redress. I enclose my name, and am Sir, your obedient servant.

Nov. 6, 1878. Justitia.

Cape Mounted Police.

Several correspondents have addressed us on the subject of "Justitia's" letter. "Caveat" confesses his inability to understand how a contract so plainly worded as that between persons joining the Cape Mounted Police and the authorised agents of the Colony can be upset by the local government. "Verax" says the statements made by "Justitia" fully confirm those contained in a letter which he has received from his son, who has been for two years in the same service, and who, in accordance with the terms of his engagement, should be free in the course of another year. The whole affair (observes "Verax") is a disgrace to the Colonial Government, who begin by advertising for young men for a particular service, and having selected from a large number of applicants a few of the most robust and best suited to their purpose, forward them comfortably enough to head-quarters, and at once draft them off, without any special training, to duties of a totally different character to those for which they enlisted. The result has been that these untrained men have found themselves 200 or 300 miles away from their depôt, engaged in a sort of guerilla warfare with vindictive savages. "Highbury," also, has a son who entered, under a contract for three years' service, the Cape Mounted (or Armed Frontier) Police, and he has just received a letter from the youth, in which he says that he and many others are in prison for addressing a respectful protest to their commanding officer against being transferred without their consent to a cavalry regiment, for the change in the constitution of the corps is equivalent to that. Seven out of the nine troops of which the force is composed have protested, and that is an evidence of the deep rooted objection of the men to be so dealt with. They enlisted for three years for police duties. Called upon by urgent circumstances to take part in the operations against the Kafirs, they did so willingly, and, there is every reason to

believe, acquitted themselves well. Their reward is that the positive engagement with them is broken, the three years' contract, with the contingent advantages promised at the termination of the period, is treated with contempt, and, in violation of good faith, an endeavour is made to compel these young men to serve another three years as cavalry soldiers, whether they choose or not. The act of the authorities amounts to forcible conscription, and nothing less, and, as such a proceeding would not be permitted in this country, why should it be tolerated in a British Colony? "Anxious" writes in the same strain, and announces his intention of addressing the Commandant of the Frontier Police at King William's Town, as also Sir Bartle Frere, in behalf of his son, whose term of agreement expired last July.

No. 4.

COLONIAL OFFICE to MR. J. WALKER.

SIR, Downing Street, November 28, 1878.

I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter of the 23rd instant,* in which you state your fear that your son, whose term of service in the Cape Frontier Armed and Mounted Police Force had expired, was being detained against his will, and compelled to serve for a further period, and I am to inform you that your letter, with others on the same subject, has been transmitted to the Governor of the Cape Colony for his consideration and report.

I have, &c.

Mr. John Walker. (Signed) ROBERT G. W. HERBERT.

No. 5.

The RIGHT HON. SIR MICHAEL HICKS BEACH, BART., to GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I.

SIR, Downing Street, November 28, 1878.

I HAVE the honour to transmit to you a copy of a letter from a Mr. John Walker,† in which he states his fear that his son, W. B. Walker, whose three years term of service in the Frontier Armed and Mounted Police had expired, was being detained against his will, and compelled to serve for a further period.

I shall be glad if you will bring the matter to the notice of your Ministers, and inform me as to the real facts of the case.

I have, &c.

Governor Sir Bartle Frere, Bart., &c. &c. &c. (Signed) M. E. HICKS BEACH.

No. 6.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Dec. 11, 1878.)

High Commissioner's Office, Pietermaritzburg,

SIR, November 5, 1878.

YOUR telegram of October 12th‡ was received last night in time to enable me to reply by the steamer leaving Cape Town to-day by a telegram, of which copy is enclosed.

2. I can add but little to what is there briefly stated in substance; but it is only just to the Cape Colony and to the Government of Griqualand West, that I should state somewhat in detail to Her Majesty's Government the great exertions both these Governments have lately made to secure the peace of their borders, without relying on the aid of Her Majesty's regular troops.

2A. You are aware what a very large force of those troops was, till a few years ago, considered absolutely essential to the safety of the Cape Colony. The amount of that force was calculated from the experience of two generations of almost continuous Kafir warfare, and the incidence of the cost of troops was, for several years before responsible government was introduced, a fertile subject of discussion between the Cape Colonists and Her Majesty's Government.

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* No. 3. † No. 3. ‡ Which will be found printed as a footnote on p. 16.

3. A long interval of peace in South Africa followed the voluntary destruction of cattle by Kreli, and the consequent weakening of the great Amaxosa clans, the Galekas and Gaikas, a few years ago. This enabled Her Majesty's Government to withdraw all but two regiments of infantry from the Cape Colony, and occasion was taken when responsible government was granted to the Colonists to remind them that thenceforth they would have to provide for their own defence against local enemies.

4. But little was done to assist the Colonists in organising a sufficient system of self-defence. The questions whether a Kafir war was or was not probable, and what was necessary to guard against its recurrence, were discussed as topics of party politics, and the Colonial ministry of the day at the Cape succeeded in postponing all effectual self-defensive measures till they were rudely awakened to a sense of their danger by the sudden outbreak of hostilities with Kreli last year.

5. Had it not been for the prompt assistance so generously afforded by Her Majesty's Government, the courage and self-devotion which the Colonists displayed could hardly have saved them from the horrors of a protracted Kafir war of the old type.

6. They were, however, saved, and the Kafirs were defeated more speedily and more decisively than in any former war, by the judicious combination of an effective force of Her Majesty's troops with the Colonial forces, which were all placed under the command of the able General-in-Chief by a patriotic and energetic Colonial ministry.

7. No sooner was the war concluded than the Colonial ministers addressed themselves to the task of providing against a recurrence of danger such as they had just escaped.

8. It is not easy to do justice to the zeal, intelligence, and self-devotion with which the Colonists, as represented by the members of Mr. Sprigg's Cabinet, have applied themselves to this task. It was no easy matter, as anyone acquainted with the history of the Colony during the past 50 years must know, but an immense deal has already been done, considering the time at their disposal and the novelty of the work. To devise and carry through Parliament the necessary measures, in the face of a powerful and strenuous opposition, was in itself no small achievement. The Acts of Parliament did not become law till late in August, but, by the active exertions of ministers working on the spot, their enactments have been explained to the frontier officials and Colonists, and great progress has already been made in disarming the natives, in organising a good protective police force, and three separate descriptions of regular reserve forces, and the Colonial Cabinet, hearing of our need for more troops in Natal, has, within the last few days, been able to undertake the entire defence of the Cape Colony, including the whole of Kaffraria, with no further demand on Her Majesty's forces than five companies of infantry, which will be stationed at King William's Town and St. John's River.

9. I confess that I am myself by no means easy when I reflect on the magnitude of the responsibilities Mr. Sprigg and his colleagues have thus undertaken. I had ample opportunity during the past twelvemonth to gauge both the risk of a Kafir insurrection and the effective power of the various forces, Colonial as well as those of Her Majesty's army, to maintain peace. Knowing as I do the weak points in the present system, or in any system, of reliance on non-professional soldiers, I would not, had the option been given me, have so rapidly reduced the strength of the regular army in the Cape Colony. I have, however, no alternative but to accept the generous offer of the Cape ministry, for the state of affairs in the neighbourhood of the Colony of Natal and the Transvaal assures me that we shall require every man we have got, and that we cannot confidently hope for speedy or unchequered success without the reinforcements which we have asked for from Her Majesty's Government.

10. I find the state of things in Natal not essentially altered for the better since Sir G. Wolseley reported on the state of affairs there three years ago.

It is true that his Excellency the present Lieut.-Governor has done much to improve the position of the Colony by providing points of "rendezvous" and local defence, and stores of arms, ammunition, &c. A small body of excellent European police, equal probably to the same number (200) of any light cavalry that could be organised, has been raised and disciplined. Some larger and more important measures of self-defence were also prepared by the Government and brought before the local Legislature, but they did not pass the Council, and less than 1,000 volunteers, by no means perfectly organised or movable, represent the whole disciplined local European force at the disposal of the Government.

11. It is clear that, even with the addition of the two regiments (Her Majesty's 2/24th and 90th) now in the Colony, Natal is far from being as well provided with means of defence as Sir Garnet Wolseley considered it should be when he was here three years ago.

12. But since Sir Garnet's time external dangers have considerably increased and become more imminent.

13. The Zulu army has certainly not decreased in numbers nor in efficiency of

organisation and armament since Sir Garnet's days. I have seen no estimate of numbers enrolled in the regular regiments which sets them down at less than 35,000 men, and the number is variously estimated, by persons who claim to know all about them, at totals between that force and 60,000 men. The supply of guns to them has, till lately, not slackened. There can be no doubt that a feeling of extreme self-confidence and anxiety to try conclusions with the white man pervades the whole mass, especially the younger soldiers. Their mere force of numbers makes them most formidable, and they are, man for man, decidedly the best native troops in South Africa.

14. I am well aware that there is good reason for believing that a considerable portion of the Zulus do not sympathise with their cruel Sovereign, nor with his warlike followers; but under such a grinding despotism it is impossible to say what is the effective power of such a party for peace, nor whether it may be able to make its existence felt till the final victory of the warlike faction is hopeless.

15. Nor can there be any doubt that the feeling of the warlike portion of the Zulu nation and of their King as regards the British Government has changed materially for the worse since Sir Garnet's day. His was, no doubt, a true soldier's instinct which showed him the Zulus were a great danger to our Colony and to all South Africa; but at that time our relations with them were extremely favourable as compared with those of the Dutch Republics.

16. The Zulus believed that we were a non-aggressive power, and that we were well inclined to see justice done them, especially in their relations with the Transvaal, whose Government, owing to its habits of encroachment, they regarded as decidedly inimical to the native races.

17. On the other hand had the Zulus in Sir Garnet's time shown any disposition to attack Natal, there can be no doubt the Transvaal Boers would have been ready to fall on the Zulus, and the Zulus were well aware of this.

18. A great change has been made in the feelings both of the Zulus and the Transvaal Boers since the annexation.

19. The Zulus are aware that the interests of Natal and of the Transvaal are now both in the keeping of the same Imperial Government, and that they can no longer hope to play off the one power against the other.

20. On the other hand, owing to temporary causes, on which it is unnecessary now to dwell, the Transvaal Boers have not yet learnt to identify their own interests with ours; they still resent the imputation that they were not able to defend themselves against their native neighbours, and probably nothing short of a serious reverse to the English would, at the present moment, rouse them to exertion in defending the general interests of the European races against attempts to reassert Zulu supremacy.

21. Late events on the north-eastern portion of the Transvaal have not tended to increase the desire of the Boers to help us. The conspicuous failure of attempts to coerce Sikukuni was a proximate cause of the collapse of the Transvaal Republic, and the postponement of operations in the same quarter at the present moment, though quite unavoidable, is no doubt most unfortunate, as it will be erroneously attributed, both in the Transvaal and Zululand, to want of power.

22. All these things concur in increasing the present risk of collision with the Zulus, whilst they render it more desirable than ever for the future peace of the country, that if the Zulus do venture to break the peace our success should be sharp and decisive.

23. It will be observed that in estimating the force in Natal, I have not taken into account the native population. I would not for a moment undervalue this element of strength, but it is extremely difficult to calculate its real effective amount. It has been the main reliance of the Natal Government in times past, and many persons with good opportunities for judging still maintain that it is sufficient for all defensive purposes, but it is untried, and until the day of trial comes it is almost impossible to estimate its real value, or satisfactorily to answer those who deny that it is worthy of much trust.

24. Taken at its best I should be sorry to trust to an undisciplined native force, except as auxiliaries to disciplined troops, and under the eye of European commanders. There can be no doubt that, however loyally inclined, the instincts of the race and their mode of fighting can have been little humanised by one generation of subjugation to a European power. Unless carefully kept in hand they will be inclined, as in former days, to exterminate and enslave their vanquished foe.

25. We cannot here hope for such valuable auxiliaries as the hundreds of frontier Colonists, who in the late war did such good service in the Cape Colony; if every grown man turned out, the Natal contingent would fall far short of what the Eastern Provinces of the Cape Colony alone furnished, and not one man in ten can possibly possess the same knowledge of frontier warfare which the Cape frontier farmer had acquired, either from his own experience, or by learning from his elders and neighbours.

26. These are briefly the grounds for my belief that the reinforcements we have asked for are the least that can be required to give a reasonable assurance of success in any operations which may be necessary. I should not fear disgraceful disaster, even were the odds against us greater than they are, but I am not without apprehension that in the struggle for success, and in fact existence, our victory may not be so speedy nor accomplished at so small a cost to life and property as Her Majesty's Government would desire; nor possibly so free from those drawbacks of unnecessary severity, against which there is, when our own countrymen are in action, no security better than military discipline and the consciousness of possessing superior force.

27. It may possibly occur to Her Majesty's Government, that a settlement of the Zulu question may be deferred to a more convenient season. I cannot think that this can safely be done as regards the Zulus.

28. Cetywayo is in no respect superior in character to his predecessors. Since his coronation placed him firmly on the throne he has had ample opportunity for showing that in cruelty and treachery he is no degenerate representative of Chaka and Dingaan. I have met persons who agree that there is no ground to fear an unprovoked attack from Zulus, but I have never met a man who, having had dealings with him, professed to have any trust in Cetywayo's word, or who believed that anything except fear would restrain him from acts of the most revolting cruelty and bloodshed. As long as a large force is maintained in Natal, it is possible that fear may continue to preponderate over cupidity pride, or passion; but with Chaka as his avowed model, we can never have any better security for peace than an armed truce whilst he rules Zululand.

29. But even if there were any hopes of real peace by deferring a settlement with the Zulus, it is quite impossible to hope for a solution of our difficulties in the Transvaal till the people of that country are assured that we have some better reason for abstaining from coercing the Zulus than a sense of our own inferiority and weakness.

30. I venture to think that very scant justice has hitherto been done to the feelings of the Transvaal Boers in this matter of their disputes with the Zulus. They are the descendants of men who sacrificed a vast amount of property and all the comforts of home to a love of freedom. They came to this Colony when it had been made void of all civilised inhabitants by unprovoked Zulu aggressions; a few compulsory cannibals were almost the sole representative of numerous flourishing tribes who 30 years before had thickly populated the Natal country. The Boers came in collision with the Zulus, a collision provoked by the most cruel and treacherous massacre of unarmed Dutchmen. The Boers triumphed over the Zulus, dictated their own terms to them, and in place of "Dingaan," who had treacherously murdered their countrymen, they set up as Chief Panda, who in the earlier years of his reign never denied his subordination and obligations to the emigrant Boers. The latter had in fact entered Natal with at least as good claims to the sovereignty of the country as the Zulus, who had simply devastated and depopulated the country, but never attempted to rule it, or to organise the slightest semblance of regular Government.

31. As the English Colony of Natal grew up the Boers withdrew further inland, and Panda and his son Cetywayo gradually emancipated themselves from dependence on the Boers by playing off against them the influence of their more recent and powerful British neighbours.

32. It is not necessary to discuss the rather complicated causes which led to a decline of the inherent power of the Transvaal Republic; it is sufficient to note the fact that the Zulu King and his "dog" Sikukuni were able, in the last years of the Republic, to challenge the power which, a generation before, had destroyed "Dingaan," and the English Government believed that there was a very serious danger of Zulus and other native tribes driving back the white settlers in the Transvaal, and once more contesting the supremacy of race on our northern border.

33. This danger was one main ground for the annexation of the Transvaal. The danger was sufficiently real and sufficiently great to secure the acquiescence of a very large proportion of the intelligent people of the Transvaal, who could not but see that the dangers of weakness and anarchy which had threatened themselves were also dangers to their neighbours, and that their neighbours had therefore a good right to protect themselves by undertaking the protection of the Transvaal.

34. This, of course, is a sound argument if we do really protect the Transvaal; but it will cease to secure acquiescence in our rule unless we can show that we have the power to ensure protection. At the present moment one of the few grounds on which we can expect the willing submission of the Transvaal population, is that we are able to give them real security against Zulu or other native aggressions. If we defer doing this we must also defer expecting acquiescence in our rule from the white population in the Transvaal.

35. Are we then forcibly to coerce the Zulus in order to secure the allegiance of the

Transvaal? Certainly not, if any one can show us reasonable grounds for expecting that the Zulus will be content to remain in peace within their own borders. But everything during the last twelve months has confirmed the belief that nothing of the kind can be expected from Cetywayo, or anyone who like him seeks to revert to Chaka's system of centralised military organisation, for the avowed purpose of conquest and aggression of the bloodiest and most barbarous kind.

36. As to whether the objects of this organisation are aggressive or peaceful, I would not judge Cetywayo from the vapourings of his young warriors, though they are significant enough, and we well know that when a despot has once roused the warlike spirit of a people, it is not easy to allay it without a trial of strength. I judge him solely from his own words and deeds in times past, and I believe there is no other safe mode of judging what he is or is not likely to do.

37. But it is not the Transvaal only that looks to the solution of the Zulu question as deciding the issues of war or peace. From every part of South Africa during the past two years we have had the same symptoms of unrest, and of a growing disposition on the part of the natives to try, by more or less decided wager of battle, whether the white man still retains his supremacy, or whether it has not now passed, with the white man's weapons, into the hands of the more numerous native races.

38. It is not in this Colony alone, but wherever the Kafir races are to be found, from the Fish River to the Limpopo, and from the Lower Orange River to Delagoa Bay, that the influence of the Zulu King has been found at work, fostering and directing this spirit. It is not of late years only that this has been the case. Even before Sir Garnet Wolseley arrived in Natal the danger was foreseen by most competent judges, and every month since has accumulated evidence of the reality of the danger. I cannot see how it is possible that the danger should pass away as long as any considerable section of the native races retain their present growing conviction that the day of English supremacy in South Africa has passed.

39. Believing, as I do, that the future peace, prosperity, and happiness of the native races in South Africa is inextricably bound up with the supremacy of the English Imperial Government, I cannot see anything but disaster in delaying to let the natives know that if the English Government is non-aggressive, it is so from a sense of justice, and from no want of power; I should, therefore, consider any delay in convincing the Zulus of the futility of attempts to restore their old supremacy as a great and unmitigated misfortune for all native races.

40. I have in the above remarks only referred incidentally to the disturbances in Griqualand West and beyond that border, but occurrences there during the past 12 months are full of instruction, as showing, firstly, how the present disturbed state of feeling originated with the supposed weakness of the white races, and the growing supremacy of the black races on the Eastern Frontier; secondly, how the judgment and energy of men like Colonel Lanyon and Major Warren enabled the European inhabitants to hold their own and assist their neighbours under great disadvantages without calling in the aid of Her Majesty's regular troops; thirdly, how far more expensive is such a system of trusting to volunteers and local levies; and fourthly, how much less complete are the results of such a system than those which would follow the constitution of a good police, and the occasional aid of regular troops, when the law was openly and forcibly defied by an armed insurrection.

41. I need not dwell on these points further than as supporting my conviction that the course I have recommended, of employing an adequate force of Her Majesty's regular troops, will be not only the most effectual, but also the most economical way of meeting our present difficulties on this border.

42. I am fully alive to the difficulty of a compliance with my request at the present moment, when there is a scarcely less urgent call for troops in other directions, but I have no doubt that if the Lieutenant-General commanding in South Africa had adequate means at his disposal, he would settle the Zulu difficulty as promptly and effectually as he did that in the Cape Colony, and that any troops now sent to this country might, in a few months, pass on to India, improved in organisation and training, and that they would arrive there in ample time should their services be required on our North-western Frontier. I may add from what I have seen of the spirit of the Colonists that, when their own difficulties were settled, they would yield to none of their fellow subjects in other Colonies in their desire to send a Colonial contingent to assist Her Majesty's forces in any extended scheme of Imperial defence.

I have, &c.

(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State,
Colonial Office.

Enclosure in No. 6.

Maritzburg, November 5, 1878.

Your telegram of 12th ultimo received. Special service officers useful and acceptable, but troops asked for urgently needed to prevent war of races. Cape Colony and Diamond Fields have done their duty nobly, and are relying almost entirely on Colonial forces recently raised and only half organised, with small garrison, five companies, at King William's Town, for whole of old Colony and Diamond Fields.

State here as described to Her Majesty's Government by Sir Garnet Wolseley three years ago. On the other side of fordable river Zulu army, 40,000 to 60,000 strong, well armed, unconquered, insolent; burning to clear out white men. Wolseley's estimate of force required to bring them quickly and surely to reason not too large. Since then, Transvaal difficulty added. Diplomacy and patience have absolute limits. In such case, by setting tribe against tribe, and race against race, victory may follow war of practical extermination, but if victory is to be ensured on terms which will bear examination hereafter, a sufficient force of Her Majesty's disciplined troops under Her Majesty's officers should be employed.

No. 7.

Governor the Right Hon. Sir H. B. E. FRERE, Bart., G.C.B., G.C.S.I., to the Right Hon. Sir MICHAEL HICKS BEACH, Bart. (Received Dec. 11, 1878.)

High Commissioner's Office, Pietermaritzburg, Natal,
November 8, 1878.

Sir,

I have the honour to forward, for your information, copy of a Despatch which I have received from his Excellency Lieutenant-Colonel Lanyon, enclosing copies of a report from Captain Back, of the Diamond Field Horse.

The action at Moosfontein reflects great credit on Captain Back and the volunteers under his command.

I have, &c.

The Right Hon. the Secretary of State, Colonial Office.

(Signed) H. B. E. FRERE,
Governor and High Commissioner.

Enclosure in No. 7.

Kimberley, October 29, 1878.

Sir,

I have the honour to transmit, for your Excellency's information, six printed copies of Colonel Warren's Despatch, enclosing a report from Captain Back, of the Diamond Field Horse, with reference to the attack on the camp at Moosfontein, on the 27th ultimo, by the natives, and also as to the pursuit and defeat of the rebels at Drooge Fontein. I fully concur in Colonel Warren's remarks as to the tact and discrimination displayed by Captain Back on this occasion.

A further engagement took place near the Langeberg Range on the 11th and 12th of this month, which resulted in the loss of two men on our side, and two wounded; as, however, I have not yet received Colonel Warren's official report of the engagements, I regret that I am unable to furnish your Excellency with any details.

I have, &c.

Governor Sir Bartle Frere, Bart., &c. &c. &c.

(Signed) Owen Lanyon,
Administrator.

Government Notice, No. 157 of 1878.

Colonial Secretariat, Kimberley,
October 11, 1878.

His Excellency the Administrator directs the publication, for general information, of the following report from Colonel Warren:—

By command of his Excellency the Administrator.

(Signed) Francis Villiers,
Acting Colonial Secretary.

Moosfontein, October 4, 1878.

Sir,

I have the honour to report that on Sunday, the 22nd September, I left Kimberley for Likatalong, and arrived there on Tuesday before sunrise. I left there the same day with B Troop of the Diamond Fields Horse, and B Company of the Griqualand West Light Infantry, joining the centre column of the Field Force under Captain Bellew.

It will be recollected by your Excellency that for many weeks past repeated thefts of cattle have taken place along the banks of the Vaal River, and that numerous rumours were afloat that the marauders were ensconced in the kloofs between Campbell and

Donderboschfontein. I have sent the column forward to Likatalong for the purpose of searching out these robbers, but they had not succeeded in doing so at the time of my arrival.

After some investigation, I found that a rebel recently captured had reported that a portion of the marauders were near Riet Fontein. I therefore sent for him from Barkly Gaol, and made him act as guide. He conducted us to Donderboschfontein, where we arrived on the night of September 27th.

From there we struck across the veldt to the west, and arrived at the village where he rebels had been ensconced on the morning of the 29th September. Preparations were made for attacking the village, but on reaching it it was found that the rebels had trekked out from three to five days previously, taking with them four waggons, about 80 head of cattle, and some bucks, and had proceeded in a northerly direction. These rebels are supposed to be about 35 in number (armed), and to belong to the Kat tribe of Korannas, one of Kat's Chiefs being with them.

I now directed Captain Bellew to proceed to Daniel's Kuil, and with my staff struck across the veldt to Campbell, where, after some difficulty about water on the march, I arrived early on the 2nd October.

There hearing of Captain Back's gallant repulse of the rebels at Moosfontein, on the 27th ultimo, I proceeded to Griqua Town the same day, after making arrangements for the transmission of supplies to the front. I arrived at Moosfontein that same night.

Moosfontein is a spring of water situate in a plain, surrounded by low rocky hills. Leading to this spring is an artificial sluit, the earth thrown out from which makes a shelter, behind which the rebels ensconced themselves in the attack on the 27th September, a report of which I enclose.

The enemy appear to have attacked with much determination and vigour, and appear to have proposed subsequently taking Griqua Town and Campbell. They appear to have been pretty fully supplied with gunpowder, which is said to have been received from Damaraland, in exchange for horses sent to Jantje.

The report of the repulse of the enemy at Moosfontein, and again at Drooge Kloof, is fully reported on in Captain Back's letter of the 4th October. I, therefore, will only add that on inspection of the ground, and from descriptions of the action, I am of opinion that Captain Back led his troop with much tact and determination, and that he and all the men under his command behaved with that bravery which the volunteers of Griqualand West have hitherto shown so conspicuously.

I have, &c.

(Signed) Chas. Warren, Colonel
Commanding Field Forces, Griqualand West.

His Excellency Lieut.-Colonel W. O. Lanyon, C.M.G.,
Administrator, Griqualand West.

Sir, Moosfontein, September 28, 1878.

I have the honour to report for your information that on the morning of the 27th September, at 4.30 a.m., the camp at Moosfontein was attacked by about 400 of the rebels, headed by Ghamka and Windwaai. The attack was made from three different points. The enemy managed to get into a sluit about 150 yards distant from the camp, south. They opened a very brisk fire upon the camp, but fortunately their shooting being high. I myself, being awake at the time, got the troop under arms in a very short time, then made a charge at the sluit, completely routing the enemy, killing three while in pursuit, but, unfortunately, being a very bad light, could not see them, unless lying down, to fire a shot. After being out for about an hour one of the men came to me and asked if I did not hear the enemy talking on the left. Turning round, I saw against the horizon a troop of about 300 on a small kopje about 800 yards off. I then thought it advisable to withdraw the men from pursuing the enemy, so lined the sluit to the north-west of the camp, thinking that the enemy would make a determined stand, being in force. Completed the full complement of ammunition to the men, leaving me without a single round in the camp, so accordingly had to be very cautious. After following the enemy for about four miles on foot, shooting nine or thereabouts, returned to camp. Gave orders to have the horses saddled to go in pursuit, when, just before starting, Lieutenant Williams arrived with the Army Service Corps and eight Burghers, 22 all told. Pursued the enemy as far as Droogefontein. Saw several lots of the enemy, but could not well get at them, they having too much of a start. Arrived at Droogefontein, and divided the troop into three—the Army Service Corps to left, Sergeant-Major Fraser, with 10 men, the centre, and myself the right wing, thinking to surround some of the enemy. After my passing a small neck I saw to my right a large body of

natives. Upon seeing us they commenced building schanses. I immediately sent and recalled the remainder of the troop to join me. Marched in the direction of the hill. Upon arriving at 500 yards off, turned right wheel over the same ground as we had come before, getting well out of sight, then turned right wheel, in skirmishing order, up the hill, coming down upon the left flank. They first opened fire upon us at about 100 yards distance, doing no damage. I then gave orders to open fire, which was kept up with good effect, several being killed on our way. Could see the enemy giving way on all sides, but had not the force to follow, my total strength being 55.

The enemy had built their schanses between thick patches of bush, it being impossible to see a schans before coming right upon it. Here all the damage was done, Corporal Thornton being killed, and troopers Cowley, Rogers, and Slatter and a Burgher wounded. Finding that one schans only was occupied, gave the order to charge, which was done, eight of the enemy being killed in this small place. The number of the enemy killed was 32 (bodies counted), besides a number of blood spoors found in several parts, and in other schanses. I myself estimate the loss of the enemy at 50 killed and wounded. After all was over sent for the mule waggon for the dead and wounded, which was soon despatched.

The wounded are getting on very favourably.

I have, &c.
(Signed) G. Back,
Capt. A Troop, Diamond Fields Horse.

To Major Rolleston, Commanding
Diamond Fields Horse.

No. 8.

Governor the Right Hon. Sir H. B. E. FRERE, Bart., G.C.B., G.C.S.I., to the Right Hon. Sir MICHAEL HICKS BEACH, Bart. (Received Dec. 11, 1878.)

High Commissioner's Office, Pietermaritzburg, Natal,
November 9, 1878.

Sir,

I have the honour to forward for your information copy of a Despatch I have received from his Excellency Sir T. Shepstone, enclosing copies of letters received from Sir Morrison Barlow, representing the exposed condition of his district when the troops are withdrawn from Sikukuni's country.

For the present it will probably be necessary to act entirely on the defensive in this district, and for this purpose it is expected that a very small regular force in addition to the volunteers will be sufficient.

When the sickly season is over, about March next, we may hope that all difficulties with the Zulus will have been settled, and it will be comparatively easy to restore order in the Zoutpansberg district.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State,
Colonial Office.

Enclosure in No. 8.

Government House, Pretoria, Transvaal,
November 2, 1878.

Sir,

I have the honour to transmit, for your Excellency's information, copies of two letters from Sir Morrison Barlow, Commissioner in the district of Zoutpansberg, respecting the exposed condition in which his district will be placed when the troops are withdrawn from Sikukuni's country.

2. I agree with Sir Morrison that a force of some kind should be stationed at Erstelling, to afford protection to the district, and have expressed this opinion to the Commandant, Colonel Rowlands, in the hope that he may be able to comply with the Commissioner's wish.

I have, &c.
(Signed) T. Shepstone,
Administrator.

The Right Hon. Sir Bartle Frere, Bart.,
&c. &c. &c.

His Excellency's Commissioner's Office, Ersteling,
October 27, 1878.

Sir,

I have the honour to enclose copies of my letters No. 322 and 323 to Colonel Rowlands and Captain Clarke for perusal by his Excellency the Administrator, in the

hope that my request for the disposal of a body of mounted men to my assistance may meet with his approval.

This district is totally unprotected, as you are well aware, and if the retrograde movements of the troops at the front is a fact, I cannot but look forward with feelings of the greatest anxiety, &c. to its probable effects on the attitude of the Kafirs generally hereafter, and the possible consequences both to the lives and property of the white inhabitants of "Zoutpansberg."

"Moposlella," who is one of the Chief "Sikukuni's" strongest sub-captains, and principal agent in supplying him with grain, is located only four hours distant from this place on horseback, and there exists no obstacle that I am aware of to hinder him from succeeding in a command of his own or "Sikukuni's" Kafirs to make a raid into this part of the district night or day.

I am writing, Sir, under the impression that there is truth in the reports which have reached me, to the effect that the Imperial troops are to be withdrawn from the front, that further operations against Sikukuni are to be suspended, and that the various forts alone are to be held. These, however, unfortunately, afford no protection to Zoutpansburg, as if Sikukuni is prevented from picking and sowing in his own country, the greater and more imperative will become the necessity of his obtaining supplies elsewhere, and from Zoutpansburg alone can he procure them, by exchanging his cattle with the various Chiefs, at the high rate of a heifer for every 300 lbs. weight of grain.

I have, &c.
(Signed) M. Barlow, Captain,
His Excellency's Commissioner, Waterberg and Zoutpansburg.

The Hon. the Secretary for Native Affairs,
Pretoria.

His Excellency's Commissioner's Office,
Ersteling, October 27, 1878.

Sir,

Various reports having reached me in the last few days that further operations against the rebel Chief Sikukuni will be suspended during the summer, and that the Imperial troops are to be withdrawn to the vicinity of Lydenburg, Middleburg, and even as far as Pretoria, I beg most earnestly, on the behalf of the interests of the district of Zoutpansburg, and it may be for the preservation of the lives and property of the white inhabitants in it, that, should this report be true, I may be supported by the presence of a small force here at Ersteling, to enable me to preserve a semblance of authority to protect the Government ammunition in my charge, and in the event of an outbreak amongst the tens of thousands of Kafirs located here in Zoutpansburg, no unlikely contingency under such circumstances, be in a position to offer a rallying point to the white population for mutual safety and defence.

I have received no official information with reference to the above report, but it is openly spoken about and discussed as likely to happen, and should it eventually prove to be the case I cannot but apprehend the gravest results therefrom, as Kafir Chiefs who I know have hitherto remained quiet in the anticipation of seeing Sikukuni receive that punishment which he so richly deserves, will place its postponement down to inability on the part of the Government to inflict it, and in the utterly unprotected state of the district it is impossible to foresee the consequences.

I have written to the Honourable the Secretary for Native Affairs enclosing a copy of this letter, in the hope that you will support my application to his Excellency the Administrator for assistance, which I know will be required, and also that my appeal may secure immediate and favourable consideration.

I have, &c.
(Signed) M. Barlow, Captain,
His Excellency's Commissioner,
Waterburg and Zoutpansburg.

Colonel Rowlands, V.C., C.B.,
Commandant, Transvaal Forces, Fort Weeber.

His Excellency's Commissioner's Office,
October 29, 1878.

Sir,

I have the honour to state, for the information of his Excellency the Administrator, that it has formally been reported to me this morning by "Slangfeldt," one of the Chieftainess "Machechan" of the Maraba tribe, head indunas, that Mapalella died on the 26th, and that "Matsoopain" his son and successor, after a council, sent a body of indunas to "Sikukuni," informing him that he "Matsoopain" and his people were ready to assist him against the English Government.

"Slangfeldt" also came to ask permission for a body of the "Maraba" tribe, with their women, to be permitted to proceed to the staadt of the late sub-captain Maposlella, to mourn over his grave. He acknowledged that he and others knew that Maposlella's people had fired upon the troops, had also stolen the wheel of Captain Ferarria's waggon, and were at war with the Government, and that as the Maraba tribe were loyal subjects they ought to have nothing in common with the enemies of Government. He nevertheless lacks the honesty to say that if permission was not granted they would go without it. I therefore granted the request, on the condition they came through Ersteling unarmed, and returned by the same route. He further informed me that parties of Kafirs from the Chiefs "Makapan," "Bamapella," "Zebedella," "Malok," "Ramakop," "Malitze," "Eland," and "Matata" would be sent for the same object. "Mapaslella" was married to a sister of "Sikukuni's," and the issue of that marriage is "Matsoobame," the present captain.

I have, &c.
(Signed) M. Barton, Captain,
His Excellency's Commissioner,
Waterburg and Zoutpansburg.

The Hon. the Secretary for Native Affairs,
Pretoria.

His Excellency's Commissioner's Office, Erstelling,
October 27, 1878.

Sir,

I have the honour to state for your information that on Saturday, the 26th inst., I returned from patrolling the district from Malip's Poort through the hills at the back of the sub-captain Mamabool's kraals, and from there on to the wood bush.

Mafefei, his Chieftainess, and himself, have always been against Sikukuni, but, in common with other Chiefs in Zoutpansburg, it does not prevent them from selling grain to Sikukuni's people, as the testimony of one of Sikukuni's own Kafirs, who I made a prisoner of on the mountain path between Malip's Poort and Mamabool, has fully proved. From his statement, and collateral evidence from other sources in my possession, I know that Sikukuni's people have been and still are carrying on a most extensive grain traffic with the Chiefs in the district, notably Mappei, Mamabool, Maletze, Maraba, Ramakop, Sekop, and Maleta.

The captured Kafir, by name Tebulegua, from the kraals of one of Sikukuni's indunas, Umquanah, told me that since the path leading from Mapaslella to Sikukuni's country across the Olifants River had been closed by the proximity of the troops, that they now convey the grain by the back of Sikukuni's mountains, below the kraals of an induna of Sikukuni's, Matahbatale, who lives on the left bank of Oliphant's River, about 10 miles below the fort.

On the 7th of this month, being desirous of obtaining proof positive that Mapeslella was aiding and abetting Sikukuni against the Government, I waylaid the path by which I know the grain is carried by pack oxen, and about midnight stopped a party of armed Kafirs from Mapeslella with a troop of pack oxen and heifers going to purchase grain from the Chiefs Eland and Maraba.

You are aware that I have applied for aid in the shape of a body of mounted men to enable me to suppress this traffic, which request, to my deep regret, has never been acceded to, and in consequence as long as "Cheeny," "Mapeslella," and "Malip" Poorts are left open, so long will Sikukuni be in a position to obtain supplies while there is a muid of corn to be bought in Zoutpansberg. The price now given is a heifer for 300 lbs. weight of Kafir corn. What will it be in the course of another four months?

In justice to myself, I feel bound to place on record that many months ago I reported this grain traffic officially, and also that it is my firm conviction, unless prompt steps are taken to put an end to it, that the result cannot be otherwise than most prejudicial to the maintenance of order in this district and the prestige of the Government.

I have been unable to take any active steps for fear of retaliation by the Kafirs on the white inhabitants, to defend whom I have no force at my command save 12 men, though 150 would not be sufficient to perform the work required.

I have, &c.
(Signed) M. Barlow, Captain,
His Excellency's Commissioner,
Waterberg and Zoutpansberg.

Captain Clarke, R.A.,
His Excellency's Commissioner, Fort Weeber.

No. 9.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Dec. 11, 1878.)

High Commissioner's Office, Pietermaritzburg,
November 8, 1878.

SIR,

I HAVE the honour to forward for your information copies of correspondence between myself and Sir Theophilus Shepstone, and Mr. Rudolph, the Landdrost at Utrecht, on the subject of how far information of the intentions of the British Government with regard to Zululand should be given to some Zulu messengers representing themselves to have been from Oham, Cetywayo's brother for information.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State,
Colonial Office.

Enclosure in No. 9.

Government House, Pretoria, Transvaal,
October 19, 1878.

SIR,

I HAVE the honour to transmit for your Excellency's information copy of an extract from a private letter addressed by Mr. Landdrost Rudolph at Utrecht to the Secretary for Native Affairs.

2. The messenger alluded to in Mr. Rudolph's letter is known to me; he came on a similar errand and on the same pretext to me during my stay at Utrecht about the beginning of this year.

3. Mr. Rudolph thinks that some answer should be authorised by high authority; this is of course desirable, but it is dangerous, because it is impossible to be quite sure of the bonâ fide character of any Zulu message unsupported by some concurrent testimony.

4. It is probable that in this instance enough is known of Uhamo's position towards his brother Cetywayo to justify some reliance being placed upon the representations of the intentions of the former by the messenger, but I think it would be imprudent as well as inconvenient for Mr. Rudolph to return any other answer than that, when there is news to send, he will send it to him.

5. Should your Excellency agree with me in this view, it will save time by your causing Mr. Rudolph to be informed; I shall tell Mr. Rudolph that I have referred the matter to your Excellency, and that he may expect an instruction upon it direct from you.

6. Mr. Rudolph's report last week of the attack of Umbelini upon the Amazwazi kraals which was forwarded by him to the Government of Natal as well as to this, and which your Excellency will doubtless have been informed of, corresponds so nearly with the time when Captain Clarke's request to the Amazwazi King to be supplied with an auxiliary force becoming known in Zululand, that the object of that attack may be to prevent any assistance being sent.

I have, &c.
(Signed) T. SHEPSTONE,
Administrator.

Governor Sir Bartle Frere, Bart.,
&c. &c. &c.

Sub-Enclosure in No. 9.

EXTRACT FROM PRIVATE LETTER.

DEAR SHEPSTONE,

Utrecht, October 15, 1878.

* * * * *

Some time ago Gwegwana, Uhamo's confidential messenger, came here (you know him) under the old pretence of looking up cattle for girls. He said that Uhamo had sent him to say that Sintwangu, who has been in Natal since the Rorke's Drift Commission, came back saying that it appears that there is to be war with Cetywayo; that Uhamo sent him in consequence to me to be informed what he is to do in case of war, as he will not fight against the English but will come over to them, and wished to know how he should act and where he is to go when the time comes; he said that Uhamo is uneasy

because he is kept in the dark, and is afraid that his words are not trusted. I informed Gwegwana that I would write and tell you all.

* * * * *

You will understand my difficult position in this matter, I can say nothing to appease Uhamo for fear of compromising the Government, Uhamo, and myself, and yet some sort of answer ought, I think, to be given to him by the high authorities.

I have, &c.

H. C. Shepstone, Esq., Transvaal. (Signed) G. M. RUDOLPH,
Landdrost.

High Commissioner's Office, Pietremaritzburgh,
October 25, 1878.

SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's secret Dispatch of the 19th instant, and in reply I have the honour to state that I concur in the opinion given in your fourth paragraph, as to the answer which should be returned to the message, and I shall be glad if Mr. Rudolph will answer him in those terms.

2. But I see no objection to Mr. Rudolph communicating to the messengers or to any one else as much as he thinks prudent or proper regarding what he knows of the general object and purpose of the British Government in its dealings with the Zulus.

3. We have no desire whatever but to remain at peace with the Zulus, as with all our neighbours.

4. We do not covet Zululand or property; we will do our best to get the Zulus justice in all discussion with their neighbours or ourselves affecting land, and we purpose doing impartial justice, even when it is to our own detriment.

5. But we cannot allow the Zulus to continue their present threatening state of warlike preparation, we must satisfy ourselves whether they mean war or peace. Our country is the refuge of all the oppressed, to which all may fly and be in safety as long as they obey the laws. We shall require satisfaction for all violation of our own or our neighbour's territory, and for any acts of violence or oppression committed on our subjects.

6. We wish to see the Zulus happy and contented, governed by their own Chiefs, under their own laws, and at peace with their neighbour as in former times before the system of "killing" began, and before the resources of the country were eaten up by military preparations, which can have no object but to provoke or maintain hostilities.

7. Not knowing the messenger I cannot tell how much or how little it may be prudent to say to him, but there can be no reason why we should conceal from any one the general intentions of Government as above specified. Our object is peace with all our neighbours as long as peace can be honourably maintained, but the only lasting peace is one based on mutual confidence, and on the assurance of a sincere desire for peace on both sides of the border.

8. If any change in our present relations with Cetywayo take place, Oham, or any other Zulu Chief, will doubtless know how to show by advice or action his goodwill towards the British Goverment, and may be assured we shall judge them, as we do every one by actions not by professions.

I have, &c.

His Excellency Sir T. Shepstone, K.C.M.G., &c. &c. &c. (Signed) H. B. E. FRERE,
Governor and High Commissioner.

High Commissioner's Office, Pietermaritzburgh,
October 26, 1878.

SIR,

I HAVE the honour to forward copy of a letter from His Excellency Sir Theophilus Shepstone (Secret, 19th October 1878) to his Excellency the High Commissioner, enclosing extract of a letter from you to the Secretary for Native Affairs, Transvaal, regarding a messenger who professed to come from the Chief Oham, and asking the High Commissioner to give you further instructions, forwarding them direct to you to save time.

I am in consequence directed by his Excellency the High Commissioner to forward to you, under flying seal, his Excellency's reply to Sir Theophilus Shepstone's letter, and to request that you will be guided by it in your answer to the messengers.

I have, &c.

(Signed) W. F. LITTLETON,
Private Secretary to His Excellency the High Commissioner.

G. M. Rudolph, Esq., Landdrost, Utrecht.

Government House, Pretoria, Transvaal,
November 2, 1878.

SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's secret Despatch of the 25th of October, in reply to mine of the 19th ultimo. I have instructed Mr. Rudolph, that as he will be better able to judge of what may be desirable or prudent at the moment and on the spot, to exercise his discretion as to the answer he gives Uhamo's messengers after having had the advantage of reading, as he has, your Excellency's views.

I have, &c.
(Signed) T. SHEPSTONE,
Administrator.

Governor Sir Bartle Frere, Bart.,
&c. &c. &c.

No. 10.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Dec. 11, 1878.)

High Commissioner's Office, Pietermaritzburg, Natal,
November 9, 1878.

SIR,

WITH reference to my Despatch* forwarding copies of statements made by the Norwegian missionaries of their interests in Zululand, I have the honour to enclose for your information the translations of the reports furnished to me by two of the German Hanoverian missionaries of their work and property in Zululand.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State,
&c. &c. &c.

Enclosure in No. 10.

TRANSLATION of LETTER from Rev. F. VOLKER.

SIR,

THE Rev. Mr. Robertson was with me to-day, and questioned me concerning my mission; I therefore think it well to give him some account of my mission at Embalazi to take with him.

Embalazi was founded in 1858 by me and four other missionaries. After a few years three of the missionaries went to other places and established missions there. During the first eight or 10 years there were two and sometimes three missionaries, and two Colonists. For the last 10 years I have been here alone.

As regards our outlay for buildings and salaries, I believe that I do not exceed the mark when I say that from 3,000*l.* to 4,000*l.* have been expended on my mission at Embalazi.

In the course of this year I have baptised about 20 heathens from the Zulu nation. I labour with great pleasure as a missionary among the Zulus, notwithstanding the trying nature of the work.

Towards the end of May 1877 it was unfortunately impossible for me to stay any longer on my station, as the Zulu King, Cetywayo, had caused three of the baptised Zulus of my station to be put to death, so that my baptised people feared they also should be killed, and accordingly fled into Natal.

Without any people I could not remain on the station, so I went to stay for a while in Natal until circumstances should permit me to return to Zululand. Whilst I was away, I am sorry to say, J. Dunn, the agent of the British Government, immediately came with his Kafirs and took possession of my station, although I had written him twice not to do so, as I would return. J. Dunn, however, wanted very much to have my place and houses, and so he took them. My house and all the doors, which I had locked, he broke open. A number of trees that formed an avenue he cut down. All this he did, notwithstanding that I have a keeper there to this day.

Yes, even more than this, in our church he lets a Kafir witch doctor live, who, we hear, practises his sorceries in the place where we were accustomed to pray and sing, and where God's word was preached.

J. Dunn lives near to me in Zululand, and as far as my knowledge of him goes I am bound to say that he has done all this out of hatred to the Word of God.

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* No. 39 of [C.-2144] of August 1878.

Some time ago I met J. Dunn in Durban, and he there distinctly declared to me that I should not go back to Embalazi. I replied that I would return, and he, J. Dunn, should see it with his own eyes.

Living in this hope, and with due respect,

(Signed) F. VOLKER.

Governor Sir Bartle Frere, Bart.,
&c. &c. &c.

STATIONS of the GERMAN MISSIONARIES in ZULULAND.

1. Embalazi was built in 1858; the cost of the foundation, 1,000*l.*; name of the missionary, F. Volker.

2. Enwugini was built in 1861; name of the missionary, H. Schmidt; cost of the foundation, 1,200*l.*

3. Engezane was built in 1859; name of the missionary, F. Fröhling; cost of the building, 1,000*l.*

4. Endhlangenbo was built in 1864; name of the missionary, G. Braull; cost of the foundation, 1,200*l.*

5. Endhlovini was built in 1867; name of the missionary, H. Kück; cost of the foundation, 700*l.*

N.B.—The salaries of the missionaries during all these years, 10,000*l.* The immoveable property left behind I am unable to estimate, as it is the private property of the several missionaries.

(Signed) H. KÜCK.

No. 11.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Dec. 11, 1878.)

High Commissioner's Office, Pietermaritzburg,
SIR, November 11, 1878.

HIS Excellency the Lieutenant-General Commanding Her Majesty's Forces in South Africa has been good enough to communicate to me his reply to the message from Her Majesty's Secretary of State for War.*

2. In that Despatch Lord Chelmsford has so clearly explained the present military position, and the need for the reinforcements we have asked for, that I have nothing to add beyond saying that as far as a non-professional person may be allowed to express an opinion, I entirely concur in all the statements and opinions therein recorded.

3. As regards the political position, there is little change since I wrote my Despatch of the 5th instant,† on the receipt of your previous telegram of the 12th October.‡

4. Zululand remains closed to all but official messengers; an occasional stray native traveller brings the news he hears as he passes through the country, but as every native appears to be convinced that it would be certain death to be known in Zululand as a possible channel for conveying reports to Natal, the information so received is not of much value. There appears, however, to be no reason to doubt that the Zulu regiments near the Natal border have been ordered to stand fast and watch the border, that the younger regiments have been summoned to Cetywayo's "Great Place," provisioned and prepared for movement; but that some of the Chiefs, notably the King's half-brother Oham, have refused to bring up their contingents, and that there is discord in the "Great Council," some influential Chiefs urging on the King and his young warriors the necessity of acceding to the demands of the British Government.

5. Mr. John Dunn is, as far as I am aware, the only educated person of European descent remaining in Zululand, with the exception of two or three Norwegians at Bishop Schreuder's Station near the border. Opinions differ as to whether Mr. Dunn remains voluntarily or by compulsion; he is said like other Chiefs to have collected his followers, some at the King's place, others at his own station near the Tugela.

6. He has officially reported, by the King's desire, the mustering of regiments at the capital, and has sent a letter admitting his past action in assisting the Zulus to get guns,

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* See War Office Papers. † No. 6.

‡ The following is the telegram referred to:—"October 12, 1878.—It may be possible to send out some special service officers, but I feel some doubt whether more troops can be spared. As the hostilities in the Cape Colony are now at an end, would not the police and volunteers be sufficient for the Cape, and might not all the Imperial troops be sent to Natal and Transvaal, with the exception of a small garrison for Cape Town?"

and justifying it as a measure of defence against Transvaal aggression; his position at the Zulu capital seems generally regarded by his friends as one of considerable peril.

7. Oham, as separately reported, has opened friendly communications with Mr. Rudolph, the Landdrost of Utrecht, and declared his intention of separating himself from Cetywayo, should the latter engage in hostilities against the English Government.

8. I received on the 6th instant Sir Theophilus Shepstone's remarks on the report of the Boundary Commissioners. I have, in conjunction with his Excellency Sir H. Bulwer, carefully considered Sir Theophilus Shepstone's very able Minute and its enclosures from the Transvaal delegates before the Boundary Commissioners and the Transvaal Secretary for Native Affairs; but the arguments adduced do not seem to us materially to affect the main points at issue, and Sir H. Bulwer and I, approaching the question by somewhat different roads, agree in the conclusion that we must accept the Commissioners' verdict. I propose to request his Excellency to communicate without delay the award on that basis to the parties concerned.

This will enable us to deal with the main question of our future relations with the Zulus, and I propose to request his Excellency to follow up the award in the boundary case with a statement of the guarantees which we consider necessary in order to ensure peace hereafter in our relations with the Zulus.

9. Further intelligence from Colonel Rowlands confirms the impression which his Excellency the Lieutenant-General Commanding in South Africa derived from the first reports, that the season for effective operations in that quarter had passed, and one of Her Majesty's regiments (1/13th) employed will be available to be stationed at Derby, nearer the Swazie border of Zululand.

I have, &c.
(Signed) H. B. E. FRERE.

The Right Hon. the Secretary of State,
Colonial Office.

No. 12.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Dec. 11, 1878.)

High Commissioner's Office, Pietermaritzburg, Natal,
November 11, 1878.

SIR,

I HAVE the honour to forward for your information copy of a Despatch from his Excellency Lieutenant-General Lord Chelmsford to the Right Hon. the Secretary of State for War, relative to the movements of the troops in the Transvaal consequent on the temporary discontinuance of the operations against Sikukuni, together with an account of the attack on the kraals of the Chief Umsoet, in the Steelpoort Valley, and a summary of the latest information received of the state of Zululand.

I have further the honour to enclose copy of a Despatch from his Excellency Lieutenant-General Lord Chelmsford to the Secretary of State for War, on the military situation at the present time. His Excellency defines the positions assigned to the various infantry regiments, artillery, &c. at the present time, and points out the absolute necessity for strong reinforcements being sent out without delay.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State,
Colonial Office.

Enclosure 1. in No. 12.

From the LIEUTENANT-GENERAL COMMANDING HER MAJESTY'S FORCES IN SOUTH AFRICA to the Right Hon. the SECRETARY OF STATE FOR WAR, War Office, S.W.

SIR,

Pietermaritzburg, Natal, November 11, 1878.

I YESTERDAY received a report from Colonel Rowlands, V.C., C.B., commanding the troops in the Transvaal, by which I gather that the 1/13th Regiment and the mounted branches are moving on the points enumerated in my Despatch of 21st October last. I have directed him to carry out my former instructions relating to the concentration of the 80th Regiment.

The delay that has occurred in making these moves would appear to have been caused by a natural desire on the part of the officers commanding the troops to show the native tribes under Sikukuni, before closing active operations, that our forces could successfully attack them in their rocky strongholds.

3 guns, 140 mounted men, 340 infantry, 250 native levies.

Accordingly, on the 27th of October, Colonel Rowlands, with the force as per margin, attacked the kraal of one of Umsoet's headmen, by name Sonbyan, situated at a distance of five miles from the camp on the Speckboom River. The position to be attacked was, as usual in that district, very strong by nature, affording in its rocks and caves good cover to the defenders.

The operation, Colonel Rowlands reports, was successfully carried out. The kraals were burnt, grain destroyed, and what cattle there was was captured; 16 of the enemy were found killed, but this it is presumed did not represent the total loss. I beg to enclose a list of the casualties on our side. Colonel Rowlands expresses his entire satisfaction with the conduct of all ranks engaged.

The information from Zululand is, that about 2nd or 3rd of November Cetywayo ordered the disbanding of his force, but this was countermanded one or two days after, he is therefore at this time fully prepared for any action he may contemplate. A portion of the force was to move secretly by night to the north, while the other regiments of young men were ordered to watch the Natal border, the older men remaining with the King.

Her Majesty s forces are at this moment (including, I believe, those of the Transvaal) in the position intended by me to resist attack, or to make a further advance if ordered.

The state of the country has been up to now such as to very seriously retard the transport of troops and stores. In a separate Despatch of this date I have reported more fully of the transport difficulties before me. I have likewise, in the same manner, the honour of bringing to your notice the military situation, the gravity of which does not seem to be fully appreciated by Her Majesty's Government.

I have, &c.
(Signed) Fred. Thesiger,
Lieutenant-General.

Enclosure 2. in No. 12.

From the Lieutenant-General Commanding Her Majesty's Forces in South Africa to the Right Hon. the Secretary of State for War, War Office, S.W.

Sir, Pietermaritzburg, Natal, November 11, 1878.

It being evident, from the cypher telegrams sent to his Excellency Sir Bartle Frere by the Secretary of State for the Colonies, that the necessity for reinforcing the troops under my command in this part of South Africa has not yet been recognised by Her Majesty's Government, I feel it my duty, both in justice to his Excellency and to myself, again to bring to your notice the military situation, so that the request for two additional regiments may not be regarded as unreasonable, and in order that the reasons for demanding such a reinforcement may be more fully understood.

It is necessary to bear in mind that the border line between Zululand and the Colonies of Natal and the Transvaal is upwards of 200 miles long in a straight line, and about 300 miles by road, and that the country close to the Natal border is so broken as to render lateral communication, except by the one road, which runs at some distance from Zululand, almost impracticable.

To watch this long line of frontier there are at present but three regiments, which are posted as follows:—

2nd Battalion "the Buffs," near Lower Tugela Drift, with two guns.
2nd Battalion, 24th Regiment, Greytown, with six guns.
90th Regiment, Utrecht, with four guns.

The 1/13th Regiment, with two guns, is on its way to Middleburg and Derby from Sikukuni's country; but when in position they can only assist indirectly in the defence of the border line, as its nearest detachment will be 40 miles from the Zulu country.

Two companies of the 1/24th Regiment are now in Natal, and five more companies may be expected from King William's Town in about a week's time.

Of these, however, only four companies will be available for frontier defence, as Durban and Pietermaritzburg require garrisons, and one company is at St. John's River. They will be sent to Helpmekaar, which is between Greytown and Utrecht, overlooking Rorke's Drift.

There are, therefore, but $3\frac{1}{2}$ battalions of British infantry and 12 guns to defend a border line of 300 miles, whilst the lowest estimate of the Zulu force is 30,000 drilled fighting men, mostly armed with some kind of firearm.

The Colonial forces available for the defence of Natal and Transvaal are as follows:—

125 Natal Mounted Police, now on their way to Helpmekaar.
400 Mounted volunteers not yet called out, and who would require at least a week to assemble at any general place of rendezvous—

and the whole of the able-bodied male native population, who are liable to be called out under the orders of the Supreme Chief, viz., the Lieutenant-Governor of Natal.

At the time of my arrival in the Colony, three months ago, these natives possessed no military organisation, nor had any arms been provided for them by Government.

It is very doubtful, even now, whether they could be depended upon, as the measures which are being taken to make them more efficient have not had time to produce their effect.

The Natal Government have within the last 14 days allowed me to raise and organise 7,000 natives for service within or without the border. I cannot expect, however, to be able to avail myself of their services for at least three weeks, as the European officers and non-commissioned officers have mostly to be brought from the Cape Colony.

Three and a half battalions British Infantry, 14 guns, and a few Mounted Police and volunteers are thus, in fact, all the troops at my command for the defence of 300 miles of an exposed border frontier.

I venture to express an opinion that the demand for two extra battalions cannot be considered unreasonable even for purely defensive purposes.

A defensive plan however cannot be considered as satisfactory unless there is the possibility of taking the offensive at the right moment.

This I am doing my best to prepare for; and, so soon as my native contingent is mobilized, I shall be ready, so far as my limited means will allow, to enter Zululand, should such a measure become necessary.

I cannot however but feel that my columns will only barely be strong enough for the purpose; and it will be difficult to find the means of properly keeping open our line of communications.

Ulundi, Cetywayo's great place, which will be our objective point, is about 60 miles from the Utrecht, and 100 miles from the Tugela border.

In an enemy's country, with bad roads, and slow transport, 10 miles must be looked upon as the longest march it will be possible, or even safe, to make. I doubt much whether the columns will even average that distance excluding halts.

One hundred and fifteen days' supplies will accompany each column, and both main lines of advance will require to be replenished from the rear by at least an equal quantity, even supposing that our success exceeds the most sanguine expectations.

One extra regiment on each main line of advance, viz., Lower Tugela River and Utrecht, is I consider therefore absolutely necessary.

In bringing to notice thus the bare requirements of the situation, I have made no mention of the troops required to garrison the advanced depôts which will be fed from Durban and Pietermaritzburg.

Depôts will have to be formed at Lower Tugela Drift, Greytown, Middledrift, Helpmekaar, and Utrecht, all of which will require at least a small garrison.

The above list does not include the advanced depôts which it will no doubt be found necessary to form in the enemy's country on our line of advance.

In conducting operations against an enemy like the Kafir or the Zulu, the first blow struck should be a heavy one, and I am satisfied that no greater mistake can be made than to attempt to conquer him with insufficient means. He has the advantage of being able to march in one day at least three times as far as the British soldier, and he has no commissariat train to hamper him.

Unless then his country or stronghold is attacked by several columns, each strong enough to hold its own, moving in from different directions, he has always the power to evade the blow, and to prolong the war to an indefinite time.

I trust this statement of our military requirements is sufficient to prove that it will be a wise economy on the part of Her Majesty's Government to send out strong reinforcements to this country, in view to bringing about as speedy a settlement of the native difficulties in this part of South Africa as possible.

I may add as a proof of how urgently I feel the need of extra assistance, that I have just applied to Commodore Sullivan, through his Excellency Sir Bartle Frere, for as many blue jackets and marines as he can possibly spare for service on shore.

I have, &c.

(Signed) Fred. Thesiger,
Lieutenant-General.

No. 13.

The Right Hon. Sir MICHAEL HICKS BEACH, Bart., to Governor the Right Hon. Sir H. B. E. FRERE, Bart., G.C.B., G.C.S.I.

Sir, Downing Street, December 11, 1878.

I have the honour to acknowledge the receipt of your Despach of the 28th October,* with enclosures relative to the suspension of operations against Sikukuni, and to recent movements in that district, and forwarding a copy of a Memorandum prepared by Lieutenant-General Lord Chelmsford, relative to the proposed distribution of the Imperial troops in the Transvaal.

I have, &c.

Governor Sir Bartle Frere, Bart., &c. &c. &c.

(Signed) M. E. HICKS BEACH.

No. 14.

The Right Hon. Sir MICHAEL HICKS BEACH, Bart., to Governor the Right Hon. Sir H. B. E. FRERE, Bart., G.C.B., G.C.S.I.

Sir, Downing Street, December 13, 1878.

I have the honour to acknowledge the receipt of your Despatch of the 23rd October,† enclosing a statement which had been furnished to you by the Rev. Mr. Oftebro respecting the position of the Norwegian missionaries, who had been obliged to return to Natal after labouring for many years in Zululand.

While I have read with feelings of regret and of sympathy this record of the unfortunate termination to the self-denying labours of these worthy men, I must at the same time remind you that (as I explained to Sir Henry Bulwer in my Despatch of the 4th of May last), though Her Majesty's Government are at all times desirous of befriending the missionary bodies, no agreement was entered into with the Zulu King on their behalf, nor was any responsibility undertaken for their protection, and that there appears to be no sufficient reason for departing from the policy that has hitherto been pursued on this subject.

I have, &c.

Governor Sir Bartle Frere, Bart., &c. &c. &c.

(Signed) M. E. HICKS BEACH.

No. 15.

The Right Hon. Sir MICHAEL HICKS BEACH, Bart., to Governor the Right Hon. Sir H. B. E. FRERE, Bart., G.C.B., G.C.S.I.

Sir, Downing Street, December 17, 1878.

I have the honour to acknowledge the receipt of your Despatch of 11th ultimo,‡ forwarding for my information copies of Despatches addressed by Lieutenant-General Lord Chelmsford to the Secretary of State for War on various subjects connected with the present condition of affairs in South Africa.

I have, &c.

Governor Sir Bartle Frere, Bart., &c. &c. &c.

(Signed) M. E. HICKS BEACH.

No. 16.

The Right Hon. Sir MICHAEL HICKS BEACH, Bart., to Governor the Right Hon. Sir H. B. E. FRERE, Bart, G.C.B., G.C.S.I.

Sir, Downing Street, December 18, 1878.

I have the honour to acknowledge the receipt of your Despatch of the 4th of November,§ respecting the appointment of Captain Macleod and Lieutenant Fairlie,

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* No. 131 of [C.-2220] of December 1878. † No. 129 of [C.-2220] of December 1878. ‡ No. 12.
§ No. 133 of [C.-2220] of 1878.

of the 74th Highlanders, to act as Political Commissioner and Assistant Commissioner respectively, on the Transvaal Frontier, towards Swaziland, and to inquire into the question of the boundary between the two countries. I see no reason to question the expediency of making these appointments, but I will reserve any further expression of my opinion until I have some account of the progress and results of their work.

I have, &c.

Governor Sir Bartle Frere, Bart., &c. &c. &c.

(Signed) M. E. HICKS BEACH.

No. 17.

The Right Hon. Sir MICHAEL HICKS BEACH, Bart., to Governor the Right Hon. Sir H. B. E. FRERE, Bart., G.C.B., G.C.S.I.

Sir, Downing Street, December 18, 1878.

I have the honour to acknowledge the receipt of your Despatch of 5th November.*

I have read with much interest the able exposition of the state of affairs in South Africa which your Despatch furnishes in support of your application for reinforcements. My Despatch of 21st November,† announcing the decision of Her Majesty's Government to send reinforcements to Natal, will have practically answered your present Despatch. I take this occasion, however, of reminding you that it is the desire of Her Majesty's Government in sending these reinforcements to assist the local Governments as far as possible in providing for the protection of the settlers in the present emergency, and not to furnish the means for any aggressive operations not directly connected with the defence of Her Majesty's possessions and subjects.

I have, &c.

Governor Sir Bartle Frere, Bart., &c. &c. &c.

(Signed) M. E. HICKS BEACH.

No. 18.

Governor the Right Hon. Sir H. B. E. FRERE, Bart., G.C.B., G.C.S.I., to the Right Hon. Sir MICHAEL HICKS BEACH, Bart. (Received Dec. 19, 1878.)

High Commissioner's Office, Pietermaritzburg, Natal,

Sir, November 9, 1878.

With reference to my Despatch noted in the margin, I have the honour to forward for your information copies of further correspondence on the communications that have passed between Mr. Rudolph and Oham. I have not included a copy of Oham's letter to Mr. Rudolph among the enclosures, as neither the composition nor spelling are easy to understand, but I gather from it that he asks Mr. Rudolph why, if he has any intention of going to war, he does not tell Oham, who does not wish to suffer with his brother Cetywayo, nor to have any difference with the English Government.

Nov. 8, 1878.‡

I have, &c.

The Right Hon. the Secretary of State, Colonial Office.

(Signed) H. B. E. FRERE, Governor and High Commissioner.

Enclosure in No. 18.

Sir, Landdrost Office, Utrecht, November 6, 1878.

With reference to your letter of the 25th ult., I have the honour to enclose, for the information of his Excellency the High Commissioner, a letter from Uhamu this day brought to me by Gwegwana, Uhamu's regular messenger, and copy of another message from Uhamu by the same man.

I further have the honour to enclose a copy of my reply to Uhamu's first message on the subject referred to in your above-mentioned letter, and I hope his Excellency will approve of the message sent. Uhamu's messenger was much pleased with his Excellency's kindly feeling towards Uhamu.

I have, &c.

The Hon. W. F. Littleton, Priv. Sec. High Commissioner, Pietermaritzburg.

(Signed) G. M. Rudolph, Landdrost.

Utrecht, November 6, 1878.

Gwegwana, Uhamu's messenger, arrived bringing a letter to the Landdrost of Utrecht from Uhamu signed "Home," and states as follows:—I am sent back by Uhamu to hear what answer his father Somtseu (Sir Theophilus Shepstone) has sent to his message

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* No. 6. † No. 119 of [C.-2220] of December 1878. ‡ No. 9.

brought by me on the 10th October last. Uhamu is very anxious to know for a certainty what is going to take place, particularly now that Cetywayo has called the whole of Zululand together; that Uhamu refused liberty to his people to assemble at "Ondi," and will openly tell Cetywayo that he will not join him in case he (Cetywayo) goes to war with the English, because Cetywayo's people, Sirayo, and Umbelini, by their overt acts, have brought the country into its present trouble, as well as (by) the building of a military kraal at the Pongolo by Cetywayo's orders, and the claiming by Cetywayo of a portion of the Transvaal beyond the Blood River, which had been, as he (Uhamu) has repeatedly told Cetywayo, ceded many years ago to the Transvaal people. Uhamu will also ask Cetywayo why he wants to quarrel with the English people; was he not always their particular friend, and had they not been kind to him, and had they not made him King of the Zulus.

Uhamu has now again sent me to be informed what the Government is going to do. Uhamu will, in case of war with the Zulus, run over with all his people to the Government, if the Government will receive him and protect him. Uhamu loves peace, as his father Panda did.

Uhamu desired me to say that Cetewayo has not called his people together to commence war, but only to put everything in order to be prepared to resist the Government forces when they come to invade his country, because he is afraid, seeing so many troops approaching his country from all sides.

(Signed) Mark of + GWEGWANA.

Witness, (Signed) G. M. RUDOLPH,
Landdrost.
(Signed) RICH. ROBERTS, C. and S.,
in the presence of Manzini.

MESSAGE taken by GWEGWANA to UHAMU.

Utrecht, November 6, 1878.

I REPORTED Uhamu's words of the 10th October to Sir Theophilus Shepstone on the 15th October. Sir Theophilus Shepstone sent the words to Her Majesty's High Commissioner, who is now in Pietermaritzburg, and this Great Inkosi has given me instructions to reply to Uhamu's words thus:—

The High Commissioner desires only the welfare of the Zulu nation so far as it is compatible with the interests of the other inhabitants of South Africa. Uhamu's anxiety for the maintenance of friendly relations with the British Government is fully appreciated, and will not be forgotten. At present there is nothing definite to communicate, but Uhamu shall have the first intimation of any important decision of the Government in reference to Zulu affairs.

High Commissioner's Office, Pietermaritzburg,
November 9, 1878.

SIR,

I HAVE the honour, by direction of his Excellency the High Commissioner, to express to you his approval of the reply you have given to Oham by his messenger Gwegwana, and to thank you for forwarding to him the letter you had received from Oham, and the copy of the message you had received from him through Gwegwana.

His Excellency trusts you will not fail to give Oham early "intimation of any important decisions of the Government in reference to Zulu affairs," whenever you think it advisable.

I have, &c.

G. M. Rudolph, Esq., Landdrost,
Utrecht, Transvaal.

(Signed) W. F. LITTLETON,
Private Secretary.

(No. 282.)

Landdrost's Office, Utrecht, November 7, 1878.

SIR,

I HAVE the honour to state, for the information of his Excellency the High Commissioner, that I had, on account of press of work and hurry to be in time with my letter to you of the 6th instant for the outgoing Natal post, omitted to mention in that letter that I had requested "Gwegwana," Uhamu's messenger, to tell his Chief that I would send his letter and message to his Excellency the High Commissioner, and also to Sir Theophilus Shepstone, and that, should I get an answer for Uhamu, I would let him have it as soon as possible, but that as Uhamu was just now receiving an answer to his former message on the same subject, I thought the High Commissioner may consider that he required no further answer at present in the matter.

I have sent a copy of Uhamu's letter, of his message, and of both my answers to Uhamu to Sir Theophilus Shepstone.

So far as I am able to judge I have no doubt Uhamu is sincere in his professions, and I consider "Gwegwana" trustworthy.

Gwegwana will return to this place after delivering my answer to Uhamu.

I have, &c.

The Hon. W. F. Littleton,
Priv. Sec. High Commissioner, Pietermaritzburg.

(Signed) G. M. RUDOLPH,
Landdrost.

No. 19.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Dec. 19, 1878.)

High Commissioner's Office, Pietermaritzburg, Natal,
November 16, 1878.

SIR,

I HAVE the honour to forward,* for the information of Her Majesty's Government, the Report of the Commissioners appointed by his Excellency the Lieutenant-Governor of Natal to inquire into and report on the disputed boundary question which has so long existed between the Transvaal Government and the Zulus, together with the documents that accompanied it.

I have thought it best to forward these in original in exactly the same state as I received them, through his Excellency the Lieutenant-Governor of Natal, from the Commissioners, but I would ask you to cause the documents in Books II. and III. (accompanying the Report) to be returned to the Transvaal, as they are mostly original documents belonging to that Government, and were only lent to the Commissioners for the purposes of their investigation.

I also forward a copy of the award which I have drawn up (and which I hope will be shortly communicated to his Excellency the Administrator of the Transvaal and to Cetewayo and his Great Council), and other Despatches and papers connected with this subject.

Briefly what I propose is this:—

1. That as regards territorial jurisdiction the verdict of the Boundary Commissioners be accepted unaltered; portions of the district between the Pongolo and the Buffalo Rivers, as defined by the Commissioners, being declared to belong to the Zulu nation and the Transvaal respectively.

2. That the limits of these respective portions be at once surveyed and demarcated by a mixed Commission.

3. That measures be taken at the same time to inquire into, define, and secure the private rights of property which have grown up in both portions of the divided territory during the years when the right of territorial sovereignty has been in dispute.

4. That inasmuch as the existing system of government in Zululand makes no provision for securing any rights of person or of private property, that such rights in the portion of the disputed territory assigned to Zulus be placed specially under the charge of the British Resident, who on other grounds will be appointed to represent British interests in Zululand, and to secure performance of those promises of better administration which were made by Cetywayo to the British Government and the Zulu nation at the time of his coronation and recognition as King by the British Government.

5. That the award in the matter of the boundary dispute be at once communicated to Cetywayo and the Chiefs and Council of the Zulu nation, together with a statement of the demands of the British Government for reparation for the past and security for the future, including the observance of the promises made by Cetywayo at his coronation.

I have, &c.

The Right Hon. the Secretary of State,
Colonial Office.

(Signed) H. B. E. FRERE,
Governor and High Commissioner.

November 28, 1878.

P.S.—Since writing the above I have thought it best to return to his Excellency the Lieutenant-Governor of Natal, for transmission to the Transvaal Government, the original Dutch documents and translations contained in Book II. above referred to, as every purpose will be served by sending, for the information of Her Majesty's Government, copies of those translations. I have accordingly enclosed copies of the translations furnished to me of the Dutch documents in Book II., and have added to them a list of corrections made by the Rev. G. Stegmann, who is acting as my Dutch secretary.

(Signed) H. B. E. FRERE,
Governor and High Commissioner.

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* The enclosures to this Despatch were delayed, and did not arrive until the 2nd January 1879.

Enclosure 1. in No. 19.

Government House, Cape Town,
July 15, 1878.

SIR,

I HAVE the honour to acknowledge the receipt of your Despatch No. 104/S.A. of the 8th instant, forwarding the Report of the Special Commission appointed by you to inquire into and report on the respective rights of the Zulus and the late Transvaal Republic to the tract in dispute between them.

2. These documents having reached me only this morning, I have been able but very imperfectly to master their contents, and I should not wish to come to any conclusion on the important issues involved till I am in possession of your Excellency's views regarding them which you promise shall be forwarded hereafter.

3. Reserving, therefore, for the present any expression of opinion on the judgments recorded by the Commissioners, I will now notice only a few very important considerations on which I trust I may be favoured with your Excellency's opinion and advice in the further Despatch which you promise me as speedily as possible.

4. Out of the whole area in dispute between the Zulus and the Transvaal the Commission has dealt with only a small portion, defined by a boundary about 80 miles in length. This portion is by far the most important and difficult to deal with; but I have no doubt you will agree with the opinion expressed by the Commissioners at the close of their Report, that the boundary they propose to lay down south of the Pongolo should be supplemented by an extension of the definition northwards from the Pongolo, which would require a definition of at least 200 miles of boundary beyond the Pongolo.

5. You will, I trust, be able to favour me with suggestions and opinions as to how you propose that this extended inquiry shall be undertaken, and how the peace is to be kept between the two parties pending an authoritative decision.

6. The Commissioners propose to divide the area in dispute between the Blood River and the Pongolo, giving to either party the whole of their claim. I shall be glad to be favoured with your opinion as to the next steps to be taken. How do you propose to communicate the award to the two parties most concerned? Do you propose to hear what either of them may have to urge against the decision? Do you think the award is likely to be acquiesced in by either or both parties concerned? and, if not, how would you enforce it?

7. Regarding the area assigned by the Commission to the Transvaal as justly assignable to the late Republic, the Commission recommend that the rights of all Zulu occupants of land should be respected, and that the Zulus should be compensated for the land if they leave it, or protected in continued occupation should they desire to remain on it.

8. The justice of this recommendation seems clear if we accept the decision of the Commission. But would not equity require that similar consideration be shown to the rights of the English, Dutchmen, Norwegians, and Germans, farmers and others, who in good faith, and relying on the right and power of the Transvaal Government to protect them, had settled for many years past on the tract which the Commission proposes to assign to the Zulus?

9. Most of them appear to have been already driven off and ejected by the Zulus. How do you propose to deal with and compensate them, so as to place them on an equality with the Zulus who have hitherto lived unmolested by the Transvaal people on the Transvaal side of the proposed line of demarcation, and who the Commission proposes to protect and compensate?

10. But the most important question of all is, what does your Excellency propose to do whilst these questions are being decided and a final decision on the whole subject in dispute is being arrived at and carried out?

11. I ask this question with the greater anxiety, because I see but little prospect of the parties to the dispute keeping the peace on that border much longer.

12. The Zulus seem already to have taken the law into their own hands. I do not understand that your Excellency has any doubt of the substantial accuracy of the reports made by the Landdrost of Utrecht to Sir Theophilus Shepstone and communicated by him to your Excellency. These reports agree in general tenor with the statements of all the missionaries connected with Zululand, and of all the unofficial correspondence I have seen, either in private letters or in letters to the newspapers. The facts alleged are such as ought not to admit of any doubt regarding their accuracy. If these statements are untrue they should be at once exposed, but, if true, they prove that the Zulus, without awaiting the judgment of the Commissioners, have driven off the white settlers and other Transvaal subjects from the lands claimed by the Zulus, occupying their farms and seizing whatever property the farmers could not hurriedly remove. Excuses may be put forward

for such conduct, but I confess I do not see how it can be considered compatible with any intention to abide by what your Excellency or any other British authority may consider the limits of right and justice.

13. On the other hand, the European settlers on the Utrecht border seem extremely exasperated by these proceedings. If, as they threaten, they unite and resist, or take the law into their own hands, they may bring about a collision, and kindle a flame of war which may extend far beyond that border. Even if they trek away they will carry discontent wherever they go, and furnish the Boer agitators with a convincing proof of their charges of bad faith against our Government. Security against native aggression, and the integrity of the Transvaal boundary, were among the prominent points guaranteed to the inhabitants of the Transvaal when they were taken over, and it will be difficult to maintain that such promises have been kept in the presence of Boers, missionaries, and other settlers driven away, with the loss of all their immovable property, from lands which the late Transvaal Government maintained and the present Transvaal Government believes they were justly entitled to occupy as on Transvaal territory, and in the possession of which, had they been Zulus living under similar conditions on our side the border, they would be protected by the recommendation of the Special Commissioners.

14. I confess I can see no visible prospect of keeping the peace on a border so situated without the presence of a disciplined force sufficient to enforce obedience to your decision on both sides the line, and to maintain the boundary you may lay down.

15. I had looked to the termination of the war on the Eastern Frontier of this Colony as a means of sending reinforcements to Natal and the Utrecht frontier of the Transvaal, and, as I have already mentioned to your Excellency, five companies of the force lately employed in the Amatolas and districts bordering on the Kei are now marching towards Natal by land, and another battalion (2/24th) will, I trust, soon be ready to follow.

16. An expression in your Despatch of the 12th June, No. 96, first gave me the impression that your Excellency apprehended these reinforcements might do more harm than good, and I learn from your telegram of the 14th inst. that you wish the 2/24th battalion for the present to remain in this Colony.

17. This can, of course, be arranged. But if our relations with the Zulus are such that the movement of a battalion more or less in their neighbourhood, though within our own territory, may imperil the peace of the border, I am sure your Excellency would not wish the battalion sent to a distance whence it could not speedily be brought to reinforce Natal.

18. I mention this because we have urgent applications from Sir Theophilus Shepstone to reinforce stations in the Transvaal, and two of the battalions now in South Africa being under orders to return home as soon as they can be spared, I must be in a position to explain to Her Majesty's Government that they cannot be spared as yet, though no longer required for field service in the Cape Colony.

19. I trust that his Excellency Lieutenant-General Thesiger, commanding in South Africa, will be able to carry out his intention of visiting Natal. His present purpose is to leave this in about a week, and he will be better able to explain than I can by writing our exact present position as regards movement of troops. But I have stated my views thus early and briefly in the hope that you may be able, after consultation with General Thesiger, to favour me with your advice as to the best disposition of that portion of Her Majesty's forces which, though they may not be needed for the permanent garrison of these Colonies, cannot, in my judgment, be safely withdrawn till the general aspect of affairs in South Africa is much more permanently peaceful than it is at present.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

Lieutenant-Governor Sir H. Bulwer,
K.C.M.G.
&c. &c. &c.

Enclosure 2. in No. 19.

Government House, Cape Town,
August 9, 1878.

SIR,

I HAVE the honour to forward a copy of a Minute in which I have noted what occurred to me on the perusal of the Report of the Commissioners appointed by you to inquire into the evidence forthcoming regarding the boundary in dispute between the Transvaal Government and the Zulus.

I shall be obliged by your furnishing a copy to General Thesiger, and by your favouring me with any remarks which a perusal of it may suggest to you.

I have, &c.

(Signed) H. B. E. FRERE,
Governor and High Commissioner.

Lieutenant-Governor Sir H. Bulwer, K.C.M.G.
&c. &c. &c.

Enclosure 3. in No. 19.

MINUTE on the Report of the Special Commission appointed to inquire into and report upon the Boundary in dispute between the Zulus and the Transvaal.

THE able Report of the Commissioners and the excellent summaries of the results of their labours, for which we are indebted to his Excellency the Lieutenant-Governor of Natal, sufficiently explain the scope and objects of the inquiry and the conclusions arrived at, which need not therefore be here recapitulated in detail.

2. Briefly, the rival claims involve the right to the sovereignty of an area which extends in a belt varying between 20 and 100 miles wide from the Buffalo River north and eastward for more than 240 miles.

3. The conclusions of the Commissioners deal conclusively, as far as they go, only with the more serious part of the dispute, the area between the Buffalo and the Pongolo Rivers, where the streams are from 30 to 80 miles apart.

4. Of this the Commissioners propose to assign to neither party the full extent of its claims. They show very conclusively the absence of what would be considered in any civilised judicial tribunal to be satisfactory evidence of any boundary recognised by both parties or established with tacit assent of both by custom and usage. The Commissioners suggest a division of the area in dispute between the two parties, and an extension of the demarcation east and nothwards to the north-eastern limit of the Zulu claim.

5. As regards the area the Commissioners propose to divide, I do not ga ther from any of these papers any precise definition of what may be considered as the basis of the Zulu claims, or of the grounds on which we are to decide whether they ought in equity to have more than they now possess.

6. His Excellency the Lieutenant-Governor observes in paragraph 6 of his Despatch of the 8th July, No. 104/S.A., "The claims of the Zulus are based upon their original "rights to the country, which are not disputed."

7. But I cannot find any precise definition or evidence of the sort of right the Zulus may be supposed to possess beyond that of actual possession.

8. From the best accounts I can find of them on record they appear to have been a migratory clan, coming no one can tell exactly whence, but from regions far off the present Zululand, and at no very distant period; moving from one region to another, "eating up" and conquering the clans with which they came in contact, absorbing their population and cattle, and occupying their grazing grounds, till they became the greatest and most powerful of Kafir clans about the time they came in contact with European Colonists.

9. The habits of the Zulus were essentially, and from their mainly pastoral mode of life necessarily, migratory. A people such as the Zulus are described to us, from the first time we hear of them, could not long exist in a limited area with defined boundaries. They must speedily from natural inevitable causes, if not themselves conquered, plundered, or destroyed, fill up such an area by their own ordinary increase of population. They had then but one consequent resource if they failed to find any other good pasture lands unoccupied: when they had filled up their own they must expand outwards, conquer new territory, and absorb fresh subject clans.

10. The European Colonists, on the other hand, were from somewhat different causes also migratory in their habits. They had moved originally from another hemisphere, and had from various reasons travelled or "trekked" in South Africa till they met the Zulus.

11. I confess I fail to find in the recorded history of either people any better claim which either party could advance to the lands they stood on than that of possession and power to hold and govern; rude title deeds, perhaps, but definite and intelligible, and I can find no other which it seems possible to rely on.

12. But much of the talk and writing on the subject of this dispute proceeds on the assumption that either or both parties had or intended to have definite and fixed boundaries

and recorded or recognisable legal rights, such as existed in the disputes regarding the Scleswich-Holstein, or at worst in the Oregon or Maine Boundary questions.

13. I can, however, find nothing of the kind, nor, if we follow the Commissioners, any evidence of its having ever existed or been possible.

14. The Transvaal delegates indeed produce a great mass of documentary evidence; but the Commissioners reject it wholly as evidence of right, and it is apparent that the Transvaal claims were not intended to be limited to the lands described in the documents so set aside. They claim unmistakeably in some of their documents sovereignty over the whole Zulu nation down to the sea, just as the Zulus claim sovereignty over the Swazies or any other subject tribe.

15. As regards the Commissioners' rejection of the mass of documentary evidence produced in support of the Transvaal claim, I will only observe that if the evidence followed in Westminster Hall, or in any civilised courts in any settled country, are to be followed, the Commissioners would no doubt have had grounds for rejecting documents full of suspicion as to their history and intent, if it could be shown that the suspicious circumstances could have been obviated by anything the party producing them could have done.

16. But it is not easy to see what more the Transvaal envoys in 1854 or 1864 could have done in reducing to writing the terms of a bargain between their Government and the Zulus. Of course any written covenant between a man who can read and write and a man who cannot is more or less open to suspicion of various kinds, and many expedients may be devised for obviating such suspicions; but none of them seem applicable to such cases as that before us. Registration or execution before public officers were of course out of the question, and it would not have been easy to find disinterested witnesses, Englishmen and English Colonists being apparently regarded as suspected allies or even as enemies by one if not by both parties to the covenant. There seems no reason to doubt that the documents were executed at the time, and witnessed by all present or near the spot who could write or read. That all these persons belonged to one of the parties to the supposed bargain may expose the document to suspicion, but will not necessarily destroy its credibility. Similar objections might be stated to every document embodying a bargain between untutored savages and civilised men, however careful and honourable might be the civilised representatives. William Penn's treaties would underlie the same grounds of suspicion as those of the Transvaal negotiators, and Captain Cook would have had no better resources than President Pretorius possessed for averting subsequent suspicions from any agreement he might have made with uncivilised islanders.

17. It may perhaps be said that any written agreement with a Kafir Chief ceding land is invalidated by the very fact of its being written, and that the only valid cession of the kind is a verbal one made in presence of the Chief's councillors, which Kafir custom never allows to be written down.

18. This would of course invalidate all former treaties. I should hardly notice such an objection had it not been lately stated regarding land grants in Pondoland.

19. Probably, however, the Commissioners merely intended to base their rejection of the Transvaal documents on their general disbelief of the Transvaal signatories and witnesses; if so, I do not think they have stated any sufficient grounds for their belief that so many men of fair repute in their own time among their own people conspired to perpetrate such a fraud.

20. There is no doubt that some demands were made by the Transvaal envoys, some cessions made by the Zulus and beaconed off, and a record at the time made by the Transvaal envoys of the purpose for which the land so ceded and demarcated was given. Even if the record be mistrusted, what was the cession and what its purpose?

21. The Transvaal envoys say the land was given in full sovereignty, and however unsatisfactory may be their documentary evidence of the nature of the cession, the grounds for rejecting it entirely seem to me equally incomplete and unsatisfactory, and if the contest were between man and man I should certainly consider that the onus of proving any different object in the cession lay on the Zulus.

22. They, however, seem to have offered no proof, and the theory that the cession was merely of a right of temporary occupation for grazing purposes seems as far as I can gather to have been originated by the present Special Commissioners, and not to have been proved nor even insisted upon by the Zulus themselves.

23. Is it not at least equally probable from the facts before us that the Zulu policy and purpose changed between that time and this? Ketchwayo was then evidently in a position and mood very different from what he is in now. The policy of the Zulus had been apparently up to that time to encourage missionaries, traders, and other white

residents to settle in Zululand. At the same time the Zulus wished to seek alliances against the English Colonists in Natal, Ketchwayo's position was far from assured, and there is much to render it probable that he would gladly have given to secure a Transvaal alliance against the English what at other times he would have refused.

24. I do not therefore see the justice of the view taken by the Commissioners of this part of the case.

25. I think that too much stress is laid on the informality and incompleteness of any Zulu cession which has not been formally laid before the National Council and ratified by its vote.

26. As far as I can learn there is no authorised form for Zulu cessions of land. How far the single will of the great Chief was sufficient to make a cession valid seems to have depended mainly on the personal character and influence of the Chief, and varied with each individual. As far as I can gather it would be extremely difficult to find any form of cession which a powerful Chief could not set aside at will, whenever he was so minded, on the ground of alleged informality or non-compliance with some form which he would say was necessary to validity. The power and will of the Chief, not the form or ceremony of the cession, were the points essential to validity and permanence of any grant.

27. Another question of vital importance, on which I do not find any clear statement of the Commissioners' views, is what precisely do the Zulus claim in the disputed territory? What rights do they wish to exercise there? And how do they wish to exercise those rights?

28. They would probably say they claimed "sovereignty," but they might have that without dispossessing a single individual of his farm or property. It seems to me that the circumstances stated point unmistakeably to an intention not merely to assert sovereignty nor even to possess this or that farm, but to get rid of the white man out of the country. If this was not the intention, much of what the Zulus are said to have done has no meaning but that of insult and bravado.

29. To recapitulate, then, the following are the conclusions to which I have been led by a careful study of the Commissioners' Reports, and the documents by which it is supported:—

1. That the decision of the Commissioners is only a partial and incomplete settlement of the subject matter under dispute.
2. That it cannot be looked on as a judicial decision, and that in point of fact the elements for such a decision do not and cannot from the circumstances exist.
3. That the only grounds on which such a dispute can be decided by arbitration are those of actual possession at the time of reference.
4. That for such a decision the Report of the Commissioners affords sufficient materials as far as their inquiries went, and that as the line to be laid down must from the nature of things be more or less arbitrary, the line as proposed by his Excellency the Lieutenant-Governor on the Report of the Commissioners may be adopted between the Buffalo and Pongolo Rivers.
5. To communicate the decision to the parties concerned and to give them an opportunity of being heard, with a view not to alter the line or to lay down a different one, but to decide what compensation in other ways or in other quarters should be afforded to subjects of either party for what either may be required to give up across the border now fixed, in order to arrive at a defined frontier line, which neither party must hereafter be permitted to transgress.

30. Such communications should, I think, now be made by his Excellency the Lieutenant-Governor sending copies of the Report and of his remarks on it to the Transvaal, and by his causing the results to be explained to the Zulu representatives for communication to their Chief.

31. The Transvaal Government should be required to ascertain and state what farms will by the decision be left on the Zulu side of the border, how long they have been occupied, and what loss will be caused to the occupants by their being abandoned.

32. I would request his Excellency the Lieutenant-Governor after hearing the replies verified to report his opinion of the amount and mode of compensation which should be offered to the farmers who may be obliged to leave their farms on the Zulu side of the border now fixed.

33. As regards the Zulus now on the Transvaal side of the border, it is not apparent what private loss any individual can sustain by its being decided that the land he occupies is within the British boundary. He will be protected in his possessions, and his property will have a security which he did not before possess. So that we may presume

that Zulu proprietors so situated will be benefited rather than injured by the boundary being laid down.

34. But Zulu views on the subject may be different, and it will be necessary to hear what the Zulus have to say, remembering always that it is not intended to hear them as regards sovereign rights, but simply as regards the rights of individual property. The boundary defines the limits of Zulu authority which will not be recognised on the British side of the border.

35. It also remains to complete the definition of the Zulu boundary up to the Portuguese frontier.

36. Judging from what is said by the Commissioners and by his Excellency the Lieutenant-Governor on this subject, I gather that present probabilities appear in favour of the Pongolo River being the northern boundary of Zulu sovereignty, as decided by actual occupation and exercise of sovereign rights, but this requires to be further investigated and reported on, and I would request his Excellency the Lieutenant-Governor to take the necessary steps for this purpose, and to report the result, with his opinion and with the suggestion of any further steps which may be necessary.

37. The inquiry should include a definition of exact boundaries and relations between the Zulus and the Swasis, and should either party decline to assist in such inquiry, they should be given clearly to understand that they will not be at liberty in future to make disputes on this subject the occasion for wars which may disturb the peace of our frontier, that we intend clearly to define our frontier up to the Portuguese boundary, and afterwards to prevent, as far as possible, any disturbance of the peace which can affect the security of life or property within our border.

38. The time has come when it is necessary we should assert distinctly and unmistakeably the position in which we have been placed by the annexation of the Transvaal and the consequent addition to our duties and responsibilities as regards all tribes between Natal and the Portuguese border. That position is one of civilised sovereignty as regards our own possessions, not compatible with any undefined frontier rights of other powers within our borders, and not brooking any division of such rights with other less civilised neighbours.

39. Our first duty is to define justly but clearly what we claim to possess, our next is to defend what we claim against all infringement.

40. This question of defence is, at the present moment, one of supreme interest and importance, and it is one on which I feel assured their Excellencies the Lieutenant-Governor of Natal and the Administrator of the Transvaal will seek the opinion and be guided by the advice of Lieutenant-General Thesiger.

41. To enable him to comply with any such call for his opinion he will require every information which we can afford him, not only as regards the line of frontier to be defended, but as regards all that relates to military means and communications within that frontier.

42. I need not say with what anxiety I shall await the result of their conferences on this subject, more especially as regards the sufficiency of our present means of defence and the possibility of requiring further reinforcements.

43. I ought not to conceal my opinion that I regard the present situation as one of extreme gravity.

44. I find no substantive difference of opinion among all persons who profess to have local knowledge as regards the numbers, elaborate military organisation, armament, and martial concert of the Zulus, nor as regards the faithless, cruel character of their Chief; nor have I heard any reason to doubt that his policy of late has been the reverse of that followed by his predecessors and in earlier years by himself; that he seeks to centralise all authority in himself, and to dispense with the necessity of consulting his tribe and councillors; that he has got rid of all missionaries and agents of European influence or civilisation, and even of traders, with the exception of one or two, to whom he grants exclusive privileges in return for their supplying him with munitions of war; that he sacrifices everything to the formation of a large and efficient army which shall embrace, as nearly as possible, every able-bodied man in his kingdom; that he is impressed with the necessity for initiating them in bloodshed and practising them in warfare; that he scarcely veils his general purpose to be a great warrior and conqueror at the expense of his neighbours, who are all either our subjects or our allies, and that his main object is to get rid of the white man and his influence, and so restore the régime which existed before we appeared in Natal, when the Zulus had acquired almost irresistible power to destroy their neighbours, and to appropriate their lands and cattle.

45. I may be wrong in one or other or all of these conclusions; I only state what appears to be the universal testimony of every practical man, military or civil, religious

or layman, who makes any pretence to a knowledge of facts. I have heard nothing on the other side save vague hopes, opinions, and aspirations that the Chief is not so bad as he is painted, and that by patience and forbearance on our part war may be averted. By what process those who hold these latter opinions think we are likely to obtain security against war is not apparent. I nowhere find that the Chief's most zealous advocates venture to express an opinion that he has definite demands and expectations, which we can meet without conceding to him the sovereignty not only of his own country but of indefinite regions all around it. No one advances an opinion that if we give him all he now demands he will remain a quiet and peaceable neighbour, and either disarm his own superfluous legions or permit his neighbours to remain at peace. I would gladly learn that I am under a misapprehension regarding one or all of these points; but unless I am mistaken regarding them what is our present situation? Is it not one of armed truce, in which we must be ready either at once to repel aggression or to risk insulting and persistent inroads, if not a desolating invasion of territory to which the Zulus had clearly no right of occupation heretofore? What is the garrison necessary to secure Natal and the Transvaal against such contingencies? and what is our prospect of being able to reduce the Natal and Transvaal garrisons to the dimensions necessary on the supposition that we wish for no larger force than will suffice to keep the peace within our own borders, to prevent one people from encroaching upon our neighbours, and to protect them at the same time from any of their neighbours encroaching upon them?

46. These are important and very pressing questions, and demand immediate investigation and solution.

47. I had hoped to have been able to leave Cape Town as soon as the Parliamentary Session was over, and to have given such personal assistance as I could offer in settling these and other questions affecting the Transvaal and our relations generally with the native tribes on our borders, but I find it will be some time before I can leave this part of the Colony.

48. Meantime his Excellency Lieutenant-General Thesiger has already embarked for Durban.

I need not say I have the fullest confidence not only in his professional ability and judgment, but in his moderation and discretion and perfect comprehension of the subjects before us in all their bearings, political and administrative as well as military.

49. I have considered it my duty to lay before him all Despatches of importance from whatever quarter the subject of which could affect in any way the peace and good order, internal or external, of South Africa; and I have had no reserve from him as regards my own views on all subjects.

50. There are, therefore, few such subjects regarding which he will not be able to make his Excellency the Lieutenant-Governor of Natal acquainted with my opinions and the grounds of them, and to explain to him wherein they may agree or differ from the views either he or the Lieutenant-Governor may form on the spot.

51. I shall be obliged if his Excellency the Lieutenant-Governor will convey the acknowledgments of Government to the Commissioners for the ability and industry with which they have collected the evidence on which their Report is based, and placed before Government the results of their inquiries and their conclusions from the evidence reported.

(Signed) H. B. E. Frere,
Governor and High Commissioner.

Enclosure 4. in No. 19.

Government House, Maritzburg, Natal,
August 12, 1878.

Sir,

Some of the points named in your Excellency's Despatch of the 15th July I was unable to touch upon in my Despatch of the 6th instant, which was mainly directed to the trans-Pongolo situation.

2. Your Excellency observes, with respect to the situation generally between the Transvaal and the Zulus, that the latter seem already to have taken the law into their own hands; and you refer to the reports that have been made and circulated, official and unofficial, regarding the acts of the Zulus since the sitting of the Commission, which, if true, prove, you say, that the Zulus, without awaiting the judgment of the Commissioners, have driven off the white settlers and other Transvaal subjects from the lands claimed by the Zulus, occupying their farms, and seizing whatever property the farmers could not hurriedly remove.

3. There has been, I think, a good deal of misconception and exaggeration in this matter. What action of the Zulus has been taken since the Commission sat has, I believe—I speak with reference to the disputed country on the south side of the Pongolo—been taken with the object of preventing the subjects of the Transvaal returning to their farms in that portion of the disputed territory from which they retired in December last at the time when a collision seemed inevitable. After the Commission had concluded its inquiry at Rorke's Drift, some of the Transvaal subjects made an attempt to return to the lands which they had formerly occupied in this portion of the country; and this was a disturbance of the "*status quo*," which irritated the Zulus, who, looking upon it as an attempt on the part of the Transvaal people to re-establish themselves in the country, determined to resist it and to maintain the assertion of their own claim. In doing this threats were used, warnings and notices were given, and acts of destruction of property at the deserted farmsteads appear to have been committed.

On the other side of the Pongolo notices, it would seem, were given to some Transvaal subjects living in the Lüneberg settlement or its neighbourhood; and a Zulu headman was sent up by Cetywayo to live in that district, in order, the King said, to look after the Zulus living there. The importance to be attached to this act as an act implying a right, or intended to insert a claim, is not to be disregarded; but it is necessary to distinguish between it and the act of the reports which were so freely circulated; the "military kraal," of which we heard so much, dwindling down, as a matter of fact, to an ordinary kraal which the headman had built for himself.

4. The European settlers on the Utrecht border seem, your Excellency observes, extremely exasperated by these proceedings, and if, as they threaten, they unite and resist, or take the law into their own hands, they may bring about a collision and kindle a flame of war which may extend far beyond that border.

5. That the subjects of the Transvaal who were settled in the now deserted portion of the disputed territory have been put to great inconvenience and loss ever since they left their lands in November or December of last year is unquestionable and is much to be regretted. It is one of the unhappy consequences—one, I say, for I am afraid we have not yet seen all—of the dealings of the Government of the Republic in former years with the native populations around it.

6. In this matter it was the Government of the Republic, or its subjects with its sanction expressed or unexpressed, who, bent on acquiring a portion of the Zulu country—and, possibly, with the view of ultimately becoming masters of the whole country—pushed the boundaries of the Republic further and further into Zululand, disregarding the rights of the Zulu nation, and refusing to listen to their complaints and to the proposals that were made for the dispute coming under the cognisance and judgment of a neutral Government. By force of circumstances the subjects of the Transvaal were enabled to hold the lands thus acquired by them for several years; and now, when the day of settlement has come, they may turn round and say that they are the aggrieved, and that the Zulus are the aggressors. Nay, it is not difficult for them to persuade themselves now that this is so; but we must not forget, if the action of the Zulus has of late been of an aggressive character, that it is aggression by those who hold themselves to be the aggrieved, and that it has been in vindication of Zulu rights suffering injury from alleged Transvaal aggression.

7. The subjects of the Transvaal who have been living or who have claims in that portion of the disputed territory may, it is true, bring about a collision. They certainly have it in their power to do so. There is, and there has been for the last eight or nine months, the danger of such a misfortune at any moment, and under the trying circumstances in which they have been placed, the abstention of these Transvaal settlers from doing anything that would force on a collision deserves the fullest recognition.

If one had taken place as was expected in December last, it is now quite clear, I think, that it would have been the result of an unredressed grievance which the Zulus had for long been alleging against the Transvaal. If now, when this grievance has formed the subject of an inquiry, anything should be done to bring about about a collision, in opposition to the results of the inquiry or to any decision that may be given in consequence, the fault will lie with those who provoke it.

8. With regard to the losses entailed upon those Transvaal subjects to whose titles the decision may be adverse, I have already ventured to bring under your notice their claim to reasonable compensation at the hands of their own Government, for it was their own Government (under the Republic) upon whom the responsibility must be laid.

9. The inquiry having been made, and the Report of the Commissioners who made it having been presented, it is of course desirable that a decision upon the question or questions at issue should be given without more delay than is required to arrive at a

clear determination as to the course to be pursued. Your Excellency asks how I propose to communicate the award to the two parties most concerned; if I propose to hear what either of them may have to urge against the decision; if I think the award is likely to be acquiesced in by either or both parties concerned, and if not how I would enforce it?

My views your Excellency will, I think, have gathered from my later Despatches. The decision to be arrived at in the matter rests, I apprehend, with your Excellency as the Queen's High Commissioner in South Africa. For this purpose I have forwarded to you the Report of the Commission together with all the documents connected with the inquiry. In addition I have, as I thought it only right I should do so, laid before you, I trust clearly and fully, for your information and consideration, my own conclusions on the matter of the inquiry and an expression of my views as to the course to be taken. I am not of the opinion myself that much advantage is to be gained by acquainting the two principal parties concerned with the result of the inquiry, and by waiting to hear what either side may have to urge. On the contrary, I think there is much to be risked in taking that course. There seems to me, so far as the subject-matter of the Commissioners' inquiry is concerned, to be enough before your Excellency to enable you to come to a decision by which substantial justice may be done in that matter. That decision may be given at once. The only question is, if it is not well to come to a clear determination at the same time as to what is to be done with regard to any possible advancement of a Zulu claim to territory on the other side of the Pongolo. It is, I think, highly advisable that this should be the case, though it is, of course, not absolutely necessary that the one decision should wait for the other. I do not know that I can at present add anything to what I have said on this subject in my last Despatch. What I think is wanted is that your Excellency should have clearly and fully before you the exact position, the exact state of the relations between the Transvaal and the Amaswazi, for to a very important degree upon those relations the settlement of any difficulties on that side of the Pongolo must depend.

I have, &c.

Governor Sir Bartle Frere, Bart., &c. &c. &c.

(Signed) Henry Bulwer,
Lieutenant-Governor.

Enclosure 5. in No. 19.

Remarks on No. 125/S.A., August 12, 1878.

Government House, Pietermaritzburg,
October 10, 1878.

Paragraphs 1 to 3.—The fact remains that the Zulus have with or without provocation from the dispossessed Boers, aggressively asserted, by force of arms or threats of force, sovereign rights to turn out peaceful German and other farmers north of the Pongolo as well as west of the asserted boundary line.

Since this report was written, this disposition has been more clearly shown to the Lüneberg settlers.

From paragraph 4 to 8.—His Excellency states with great clearness the Zulu case, and shows that if the Zulus are open to censure for their violent proceedings in November and December last, and more recently, there is some excuse to be found for them in the long denial of what they may think their just rights, and that if they are somewhat to blame the late Transvaal Government is still more culpable.

But this does not inculpate persons like the Lüneberg German settlers, who have in good faith, and without encroaching on anyone, occupied lands north of the Pongolo, to which the Zulus have clearly no right.

Nor does it excuse the Natal Government of former days for its long inaction in this matter and its neglect to press the alternative course proposed by the Zulus, that Natal as a neutral power should occupy the disputed territory, a course which would have obviated much of the mischief which has since occurred.

Paragraphs 9 to the end.—On careful review of the whole case, and with the additional information I have now acquired about our relations with the Swazies, I think the Lieutenant-Governor is right in the opinion he has expressed.

(Signed) H. B. E. Frere,
Governor and High Commissioner.

Enclosure 6. in No. 19.

Government House, Maritzburg, Natal,
September 30, 1878.

SIR,

I HAD the honour to receive on the 27th ultimo your Despatch of the 9th, together with a copy of a Minute by your Excellency on the Report of the Commissioners who lately inquired into the boundary dispute between the Transvaal and the Zulus; and in accordance with the wish expressed by your Excellency, I beg with respect to offer for your consideration the following observations which suggest themselves to me in connexion with it.

2. I would notice, in the first place, that your Excellency speaks of the conclusions of the Commissioners as dealing only, so far as they go, with the more serious part of the dispute, and of their decision as being only a partial and incomplete settlement of the subject matter in dispute. But your Excellency will not fail to bear in mind that it was never proposed that the inquiry of the Commissioners should go further than it did. The boundary disputes between the Transvaal and the Zulus, so far as they have been known in Natal, during the last 15 years, have been limited to territory on the south side of the Pongolo; and it is with this territory, and with the dispute familiarly known for years as the "disputed boundary question," that the Commissioners have dealt. In Natal we knew of no other territorial question between the Government of the late Republic and the Zulus, unless the question of their rival claims over the Amaswazi could be said by implication to involve a question of territory. But, strictly speaking, the so-called "disputed boundary" question has constituted the only territorial question between the two countries known to the Natal Government, and the only one with which the Natal Government has been concerned; and the inquiry of the Commissioners was consequently solely directed to that question, and dealt solely with it.

Whether beyond the Pongolo there is any dispute regarding territory which affords matter for further formal inquiry is for your Excellency's consideration. In my Despatches Nos. 123/S.A. and 125/S.A., which will have reached your hands since the date of your Minute, I have ventured to express the opinion that a general vague assertion of sovereignty by the Zulu King does not of itself constitute ground for further inquiry; and that the territory across the Pongolo never having been, as far as the knowledge or recollection of any European settler or of old natives in this Colony serves, or according to any record or oral tradition, Zulu territory, it seemed on this account unnecessary, as for various reasons it might be unadvisable, that a formal inquiry on this point should be instituted. This, however, is of course an opinion which is subject to your Excellency's better judgment. It has been far different with the disputed territory on this side of the Pongolo, because this territory was unquestionably once Zulu territory, because the dispute is one that has existed for years, because it is a dispute that was years ago recognised by us as a matter for inquiry and arbitration, and because we had said enough to the Zulu King to make it, I think, a matter of good faith on our part that the inquiry, which in the time of the Republic we thought should be held, should not be withheld when the Transvaal passed under the English flag.

3. Your Excellency raises a question as to the basis upon which the Zulu claims rest. You refer to a passage in a Despatch of mine in which I say that "the claims of the "Zulus are based upon their original rights which are not disputed," and you observe with respect to this that you cannot find any definition or evidence of the sort of right that the Zulus may be supposed to possess beyond that of actual possession.

The remark made by me above quoted had reference, I need scarcely say, to the particular territory involved in the particular dispute which formed the subject of the recent inquiry, and not to any territory, or portion of territory, beyond that. It had reference exclusively to the so-called "disputed territory," and by "original rights" I intended rights existing at the time the European Colonists first came into contact with the Zulus. I doubt very much if those rights had any existence, or at all events, had existence to their full extent, over the particular territory referred to before the time of Chaka. Up to that time the Zulus were an inconsiderable tribe, occupying a tract of country in the upper basin of the White Umfolozi River. They occupied, in fact, only a portion, and that a not very considerable portion of what is now called Zululand, the remainder of the country being occupied by other separate tribes, the principal of whom were the Umtetwas. It was only in the time of Chaka, as is well known, that the Zulu tribe rose into

importance; and it was under his rule that it extended its tribal name and its territory by incorporating into itself the Umtetwas and other adjoining tribes together with the lands occupied by them. The Zulu country did not, indeed, by any means become co-extensive with the conquests of Chaka. His armies spread devastation far and wide, and the Zulu power, it may be said, extended in his reign from Inhambane to the St. John's River; but the Zulu country remained limited, and according to the evidence of the first English settlers who came to Natal in the early part of the present century (1820-30), the Tongaat River was practically at that time the southern boundary of the Zulu country, Chaka himself living between the Tongaat and the Tugela. In Panda's time, and in the time of the first immigrant farmers, the boundary was thrown back to the Tugela; and in 1843, when Natal was taken possession of by the English, the latter entered into a treaty with the Zulu King which fixed the boundaries between the new territory of Natal and the Zulu country as the Tugela River from the sea upwards to its junction with the Buffalo River, and thence up the Buffalo River to its sources in the Drakensberg. This was the line of boundary agreed upon by the English and the Zulus as dividing the two countries the one from the other; and the terms of that treaty recognise, I think, very clearly as Zulu territory the country lying on the left banks of the rivers above mentioned. There was, therefore, this recognition on the part of the English, given 35 years ago, that at that time the territory which has since come into dispute was part of the Zulu country. But in point of fact the Transvaal Government itself, whilst disputing the present title to this portion of the country, has never called in question the former or original rights of the Zulus to it. On the contrary, it has most distinctly recognised those rights by basing its claims entirely upon the ground of cession by the Zulu King; and the question at issue has not been a question of first possession, occupation, or conquest, but simply a question of whether such and such cessions were or were not made by Zulus to the Republic. It was upon these grounds that I stated that the original rights of the Zulus to the country in question were not disputed; the term "original" applying to the condition existing at the time of and preceding the transactions which led to the dispute.

4. I may here observe that I doubt if the Zulus were a migratory clan in the sense referred to by your Excellency. About four centuries ago there was, it appears, a great migration of Kafir races southwards from the country about Sofala. What the cause of this migration was is not, I believe, known. But although a pastoral people, it does not seem that they were a nomad or migratory people in the sense that they wandered about from place to place with their flocks and herds; and certainly the Zulu tribe did not so descend, conquering and subjugating on its way the people through whom it passed. The tribe, as far as we can learn, was settled for a considerable period before Chaka's time in that portion of the present Zulu country near the White Umfolozi River of which I have made mention, and though in his time, and owing to his military genius, it emerged from the condition of an inconsiderable tribe into that of the most powerful and warlike nation in South Africa, extending its borders, absorbing into itself other tribes, and carrying the terror of its arms several hundreds of miles both to the north and to the south, yet the nation remained and has ever since remained in the same part of the country.

5. That portion of your Excellency's Minute which relates to the rejection by the Commissioners of the documentary evidence adduced on the part of the Transvaal, and to the stress laid by the Commissioners on the informality and incompleteness of any Zulu cession which had not been formally laid before the National Council and ratified by its vote, I have referred to the Commissioners for any further observations they may desire to make for your information on these points. The force of what your Excellency says cannot but be admitted. The decision on the whole case must necessarily be the decision of a court of equity and not a court of law. The fact, too, of the alleged cessions not having been formally laid before and ratified by the nation at large is certainly no proof that transactions of some sort may not have taken place between the Zulu King and the Transvaal Republic. But if those transactions were of the nature of a cession of any portion of the Zulu country, they would most assuredly be considered by the nation as invalid because made without its consent. It is quite true that, as your Excellency says, a powerful Chief might take upon himself to act in a manner that was not in conformity with the custom or the usage of his nation, but he would be acting unwisely and at a great risk. In so important a matter as the cession of any portion of the territory of the tribe, the power and will of the King are not, and never would, I believe, be considered sufficient. The will and the voice of the nation as represented by

its chief men are held to be essential to such transactions. There may be no absolute law laid down upon this subject; but it is apparently according to the usage of the country and according to the usage of Kafir tribes. In internal matters the King has a large license to do what he wills, and his will is, in a large degree, the law of the country. But, in the important external relations of the tribe, the relations which affect the tribe as a tribe, the usage of the country requires that the tribe should be consulted through its chief men. The despotism of Chaka himself was limited by this necessity.

6. I think it is clear that what the Zulus claim in the "disputed territory" is actual possession and use of the country as Zulu country for the Zulus. Mere sovereignty, with the colonisation of the country by European Colonists in any number, they know very well would in a short time come to mean either the sovereignty of the white man or conflict with him. To some few individual traders and storekeepers no doubt the King's permission would be given for residing in the country, but he would be scarcely disposed to extend the permission to any large number.

7. Your Excellency, in summing up the conclusions to which you have been led by the Commissioners' Report and its accompanying documents, refers to "the line proposed "by the Lieutenant-Governor (of Natal)" as the line which may be adopted between the Buffalo and Pongolo Rivers, and, in another communication made to me, you spoke of the line of the Commissioners "as modified" by me. I think, however, there must be some mistake on this point, for I have not found myself in a position to recommend any modification of the line proposed by the Commissioners, but came to the conclusion that, unless there was good ground for objecting to the finding of the Commissioners, the best course would be to adopt their line; and this, I presume, is the line referred to by your Excellency.

8. With regard to the instructions contained in your Excellency's Minute as to the course to be adopted, I have, as I have elsewhere reported, transmitted to Sir T. Shepstone copies of the Commissioners' Report and of the two Despatches by me which accompanied it; but, feeling doubtful as to whether your Excellency would, after the receipt of my two further Despatches on the subject, still desire the instructions which contemplate, *inter alia*, a further inquiry into any questions there may be beyond the Pongolo to be immediately carried out, I thought it better, before taking any other step, to ascertain your wishes on this point, which I did by telegraph; and in accordance with the tenor of your reply I have suspended further action until the receipt by your Excellency of Sir T. Shepstone's remarks on the Commissioners' Report, and of his views regarding the relations between the present Transvaal Government and the Amaswazi.

9. The view taken by your Excellency of the present situation in this portion of South Africa, independently of the particular question which has been the subject of the Commissioners' inquiry, is, I believe, in its main features the correct one.

10. The annexation of the Transvaal has altered, and altered very considerably, our position towards the native races living to the north of Natal. The Dutch Boers who have been the pioneers of European colonisation in South Africa were the first to come into contact with these races, and the relations into which we were subsequently brought with the latter, and the position in which we have hitherto stood with regard to them, have, beyond all question, been greatly influenced and coloured by that fact, and by the presence of another and neighbouring European nationality. The natives have not been slow to discriminate between the two nationalities, and to mark the difference in many essential respects between the one Government and the other, and the conclusions drawn by them have, it may be said, been altogether in favour of the English, whose general treatment of them has been milder, more conciliatory, and more just. The greater power of the English Government, too, has been recognised; a greater prestige has attached to its name. A greater regard, respect, and sympathy for it have circulated, and in this way it has long since come to be looked up to by all the Kafir tribes inhabiting the countries beyond our border, and as far as the Zambesi, as the paramount European power in the country, and as a paternal friendly Government to be honoured and conciliated.

11. This state of things has had its advantages. It has served to keep up a sort of political balance, if I may call it so, in this quarter of South Africa, and has enabled the Government of Natal, as the nearest representative of British authority, to exercise a decided influence over the native races in its neighbourhood, an influence which it has used with advantage in preserving for many years the peace of this part of the country. The Zulus, who were in direct and immediate contact with both European nationalities,

with the Transvaal Republic on one side, and with the Natal Government on another, were necessarily more nearly affected by the political position than any other native race. The policy of the Zulu King, it has been said, has been to play off the one Government against the other, and to some extent possibly this may have been the case, but, if so, it has certainly been the means of keeping the Zulus, the most powerful and most warlike of all the South African races, with all their military organisation and all their capacity to disturb the public peace, quiet during a great number of years. The Zulus soon found out that the English Government had no aggressive designs, that it was contented to keep the boundaries laid down in its treaty with the Zulu nation in 1843, and that it was friendly and moderate in its dealings. They knew it also to be the most powerful Government in South Africa, and they quickly recognised the importance of cultivating its friendship, more particularly in the presence of the neighbouring Republic, of whose policy and designs they did not feel equally sure. The influence of the Natal Government acquired in this way was such, and exercised to such purpose under the able guidance of Sir T. Shepstone, at the head of the Native Department, that not only did it preserve peace for this Colony, but it restrained the Zulus from attacks upon the neighbouring tribes and prevented a conflict between them and the Government of the Republic, both of which must inevitably have taken place long since had it not been for the Natal Government.

12. The annexation of the Transvaal last year has destroyed the conditions which created the balance to which I have referred. It has substituted one power for two powers, one government for two governments in all this portion of South Africa, and it has brought English authority into direct contact with native races to the north, to whom it was previously known only from a distance. More especially, and more seriously, it has affected our relations with the Zulu King and people, who look with great suspicion upon the new state of things.

13. What your Excellency observes with regard to this people, their military organisation, their numbers, and their armament, is perfectly true. With respect to the character of their present King there is little, if anything, that can be said in his favour. What little there is to be said is this, that during several past years he listened to the counsels of this Government, and even under strong provocation refrained from acts which would have precipitated a crisis and led to serious and possibly general disturbance in this part of South Africa. It is true that if he listened to us it was no doubt because he felt it to be for his own interest to do so, and that he could not afford to disregard our wishes. Nevertheless for so much credit as the attention he paid to our counsels in past times is worth, to that credit he is entitled; but I do not know that I am able to say anything further in his favour. He has broken the promises which he made to us and to the Zulu nation at the time of his coronation. His people have been put to death without trial, and the shedding of blood has been indiscriminate. His rule, so far as it has gone, has been a cruel and tyrannical one, and all the better interests of his country have been sacrificed to the maintenance of a large army, though this indeed, it must be remembered, is no innovation introduced by him.

It is, I think, doubtful if he has any definite purpose to become a great warrior, though he may regret that he has not had the opportunity of acquiring a personal reputation for some achievement by the Zulu arms during his reign and under his direction. Nor is it thought that he will attempt to dispense altogether with the custom of consulting the chief men of the nation, for this would be a form of absolutism that even Chaka, as has been said, would not have ventured on, and one which the present King, without any of the greater qualities of Chaka, could not attempt to establish except to his own certain destruction.

14. The maintenance of a standing and well-organised army, it should be observed, is according to the custom of the Zulu nation, which in all its traditions and instincts is warlike, and does not in itself prove that there is any set purpose of aggression in the mind of the King; though this consideration does not of course remove the cause of danger that a large standing army in a savage nation must always be to its neighbours.

15. If it were asked what particular design or purpose the King has in view I think it would be difficult to give a direct answer. The King, I should be disposed to say, is a Zulu of Zulus, an upholder of all the old traditional Zulu customs, a maintainer of the system of Zulu military despotism, a sustainer of the worst form of old native life, and all his conduct, so far as he finds himself free to act, is probably governed by this disposition and temper of mind rather than by any deliberate policy.

The position in which he is placed at this moment is a peculiar one. His rule has been hard, and he is personally feared and disliked by the great mass of his people. By a large number too he is regarded with far stronger feelings of aversion, and at any moment the fate of tyrants may overtake him. He has this large standing army on his hands, but he has been unable to make use of it, either to gratify any ambition he may himself have had for personal distinction as a Zulu King, or to satisfy the young fighting men of the nation, having been hitherto withheld from doing so mainly out of deference to our counsels, and now that the English Government has taken over the Transvaal and advanced beyond him on the other side, he feels that there is no direction in which his army can well go to war without coming into collision with that Government; he is, therefore, in a false position towards his army.

He is besides uncertain what are the intentions of the English regarding him. The annexation of the Transvaal, and the circumstances which attended it, are matters by which he is still perplexed. He suspects the good faith of the English towards him, and he sees in their advance and in all that has taken place the foreshadowing of danger to himself and the Zulu power.

Nor does he stand alone in this apprehension. The nation at large is ill at ease as to what our intentions are, and alienated as are the sympathies of his people from him, gladly as they would welcome relief from his personal rule, and readily as, it is believed, a large portion of the nation would accept English protection and the establishment of a just rule amongst them, they are not prepared to accept the invasion and loss of their country without fighting for it. The defence of Zulu soil would in fact, it is thought, be made a common cause, and rally the whole of the Zulu nation round the King.

16. That there are the elements of danger in this state of things, and that the situation is and has been for some months a critical one, there is no doubt; nor can it be said that the settlement of the disputed boundary question will put an end to all the dangers of the situation. In that question consists perhaps the greatest cause of danger; but it is only one question, and other questions may arise at any moment. The King may prove unreasonable, or he may be forced into foolish action by the pressure of the young fighting men, or be led by treachery or bad advice to do something that will compromise himself with us beyond recovery; moreover, so long as the nation retains its military system, so long as the manhood of the nation is organised into a standing army, the causes of danger cannot be wanting.

17. But there is this to be said for the settlement of the disputed boundary question, and for the inquiry into it which has been held, quite apart from any advantage which has been gained to us by the delay, that it is a matter to which our good faith was committed. I believe that it would have been a great misfortune if we had entered into a war last December on account of this question, not only because of the circumstances at that time existing on the Cape frontier, and of the critical state of affairs in Europe, but also because we should have gone into a war on account of a question which, so long as it was a question between the South African Republic and the Zulus we had always admitted was a fair subject for inquiry, and had for years by means of our influence been holding back the Zulus from taking their own action upon. It was of the greatest importance, therefore, that we should put ourselves in the right in this matter, and that there was fair cause for an inquiry the Report of the Commissioners shows, whether we accept their conclusions or not.

It may be that the settlement, when it is made, will not satisfy the King, or possibly other questions may arise obliging an eventual resort to arms, but we shall, at any rate, by this inquiry and by dealing with the dispute according to its merits, have put ourselves so far in the right, and in doing this it may be safely said that we shall not prejudice our position or our prestige in our future relations with the Zulu people or in the eyes of the native population at large.

I have, &c.
(Signed) HENRY BULWER,
Lieutenant-Governor.

Governor Sir Bartle Frere, Bart.,
&c. &c. &c.

Enclosure 6. in No. 19.

NOTE on DESPATCH from His Excellency the LIEUTENANT-GOVERNOR of NATAL, No. $\frac{142}{S.A.}$, of the 30th September 1878, in reply to the HIGH COMMISSIONER'S Despatch of August 9th, 1878.

Paragraph 2. These remarks show that the Commissioners fully performed all that was expected of them by the Natal Government.

But I cannot agree with the Lieutenant-Governor of Natal, or with Sir Theophilus Shepstone, that there is any substantial difference in the nature or character of the Zulu claims north of the Pongolo, which admits of their consideration being postponed or allowed to lie over when their claims south of the Pongolo are settled.

The Zulus avow, without reservation or concealment, that their present claims, which they consider just, extend over the area of all their former conquests, and that nothing but consideration of friendship or expediency prevents the assertion of those claims over the whole of Natal and to the St. John's River.

This may be harmless or mischievous bombast, but it is, I think, unwise to shut our eyes to the fact that the Zulus are determined to press their claims in all directions, as far as the weakness or the forbearance of their neighbours will allow; and that the opportunity now offered for such a permanent settlement of those claims as shall ensure future peace and quiet in this part of South Africa may never recur.

Paragraph 3. Expains that by "original rights" of the Zulus his Excellency the Lieutenant-Governor meant the rights of possession as they existed when the Zulus first came in contact with the White Colonists, say, 40, or at most 50 years ago.

This limitation considerably narrows the extent of such supposed rights. I had from the previous correspondence believed that rights of original settlement or conquest were intended.

Paragraph 4. Instead of a "migratory people," it would, perhaps, to judge from these remarks, have been more correct if I had described the Zulus as a tribe whose boundaries were constantly varying to the extent of 100 or 200 miles in several directions, as they conquered or evacuated the territory of neighbouring tribes.

The Rev. Mr. Oftebro, who has been long resident in Zululand, informs me that 10 generations of Chiefs are enumerated by Zulu tradition since the first Chief "came out of the earth," at the spot which they regard as the original cradle of the Zulu race. When asked what preceded those 10 generations, the Zulus can only add that they have heard their fathers originally came from the north.

Paragraphs 5 and 6. The subject of these paragraphs, viz., the rejection by the Commissioners of the documentary evidence adduced on behalf of the Transvaal, is dealt with in more detail in the replies of the Commissioners, which formed an enclosure in the Lieutenant-Governor's Despatch, and in my remarks on it.

Paragraph 7. It is clear, from what is here stated, that I was under a mistake in supposing that the Lieutenant-Governor proposed any modification in the northern part of the line proposed by the Commissioners.

The remaining paragraphs are most important; but they call for no further remark from me than to beg the careful attention of Her Majesty's Government to the Lieutenant-Governor's temperate and well-considered sketch of the position of affairs as confirming my own impression of the extreme gravity of the present situation.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

Enclosure 7. in No. 19.

REPLIES to an Extract from a Minute of His EXCELLENCY THE HIGH COMMISSIONER on the Report of the COMMISSIONERS upon the TRANSVAAL ZULU BOUNDARY DISPUTE.

Paragraph 15. Every document on behalf of the Transvaal claim was admitted and received by the Commissioners, and was forwarded with their report, although no legal proof was given of the due execution of these documents, and the Boer farmers are well aware that every writing is required to be witnessed by at least seven disinterested wit-
A nesses, and none of these documents had such requisite or qualified number of witnesses.

These documents were received as reflecting and exhibiting the acts of the Dutch, and
B their dealings with the Zulus in carrying into effect the intention of the Dutch of obtaining land from the Zulus from 1854 up to 1870.

The Commissioners consider these documents as a written narrative on the part of the Dutch relative to these land transactions rather than as binding treaties.

As before stated the documents were not rejected in evidence. They were allowed to be put in in evidence, and were duly considered. The Commissioners thought it was their duty to interpret the contents of these documents, and they did so. The principal documents for their interpretation and consideration were: (1.) the alleged cession of land by Panda in 1854; (2.) the message from Cetywayo (reduced to writing by Mr. Sandbrink) in March 1861; (3.) the treaty consequent upon that message, and purporting to have been entered into on the 28th and 29th March 1861; and also (4.) the alleged ratification by Panda in August of the same year.

The cession of 1854 was put forward by the Transvaal Government as a cession giving complete sovereignty over the land purporting to be ceded thereby, and by a subsequent C document described or defined. If by the term "sovereignty" is meant *plenum dominium*, the undisputed ownership of the land, it is a meaning which is not understood by the Zulus, and could not have been, and was not accepted by them, or even by the Boer farmers. This cession of 1854 consisted of two distinct writings on the same sheet of paper, the one the so called cession, signed by Panda, allowing Mr. Van Rooyen and four other farmers to occupy certain land jointly with the Zulus, the subjects of Panda, and as far as it did not interfere with the occupation by the Zulus of this territory. The second writing purported to define the exact locality. Can this be called sovereignty? D It was alleged that Panda signed that document; there were no witnesses to his signature, and no witness was called who saw him sign the document. The second document, defining the boundaries vaguely and incompletely, was not signed by the King, but was signed by the common Zulu messenger Mapatshana, who did not appear before the Commission, and of whose power or authority to grant such a document, and define the boundary set forth in that paper, no proof was given. It was plain that Panda, if he did sign the cession, did not by that cession fix the land which he was willing to allow these few Boer farmers and his own Zulus to occupy jointly, and it did not appear that it was ever brought to Panda's knowledge what were the limits within which that permission given to these Boer farmers to occupy jointly with the natives was to be exercised. The Commissioners submit that, owing to their recognition of the subsequent occupation, and the exercise of sovereignty by the Boers within the territory so purporting to have been ceded, they have given more extensive interpretation to the meaning of that cession than the document strictly construed would permit, and have by the acts of the parties subsequent to the date of the document, rather than by the wording of the document, interpreted what should have been the ultimate admitted effect of the document had such document originally given the rights afterwards claimed by the Boers.

The next document, though perhaps of little importance, except that it called into operation the Land Commission which had been dormant for a year, was also admitted in evidence, though not signed by any person. This document was reduced into writing by Mr. Sandbrink. He declared that he faithfully reduced into writing, on the 16th March 1861, the substance of a message brought by Zulu messengers from Cetywayo to Mr. Van Rooyen, the contents of which message were to be communicated to the Land Commission. That document purports to contain and to represent what took place at an interview between the Secretary for Native Affairs, Natal, and the Zulu nation, when, as a matter of fact, it was proved that the proceedings therein referred to had no existence at that date, and that the meeting between the Secretary for Native Affairs and the Zulu nation therein referred to did not take place until the 10th May of the same year. Could any person repose any confidence in the contents of that document, or in the persons who suggested to Mr. Sandbrink the writing thereof? The one was Mr. Smuts, the Landdrost and Chairman of the Land Commission, who could not talk Zulu, the other was Mr. J. H. Combrink, whom Mr. Sandbrink named as one who could talk Zulu well. The Commission had subsequently an opportunity of testing his skill as a Zulu interpreter, and found he was incompetent.

The next document is the one purporting to be dated at Waai Hoek on the 28th and 29th March 1861. The document was produced before the Commission, and was received by them as an original document prepared on that occasion. It was produced by one of the Transvaal delegates (Mr. Uys), and was declared by him to be an original document. Some days afterwards Mr. Uys requested the Commission to be allowed to amend his evidence, and stated that this was not the original document; that the original document prepared at the meeting was destroyed on the 1st April 1861, and this document replaced it. The original document was prepared by a Mr. Sandbrink, who had previously reduced into writing the message of 16th March 1861, herein-before referred to. Mr. Sandbrink admits he could not understand the Zulu language. He

admits the document was simply a narrative of what took place at those two meetings, interpreted to him as far as the Zulu portion was concerned by Mr. T. Potgieter, a man who imperfectly understood the Zulu language. Mr. Sandbrink declares that he only took down what he considered necessary for his own information. He declares the document to have been an incomplete one, and that he gave no copy of it to the Zulus. The preponderance of evidence before the Commission showed that this document was not properly interpreted to the Zulus, and no proof was given that its contents were understood by them. The original document had been taken to Utrecht, was said to have been copied there by Scheepers, the clerk to the Landdrost there, and was produced to the meeting at Waai Hoek on the 1st April completed, and with the natives' names already written thereon in Mr. Scheepers' handwriting, who was absent at Utrecht, several miles distant. The natives emphatically deny that that document was read to them, or that they signed that document. That document was subsequently said to have been taken down to Cetywayo, and signed by him, but this the only native witness who was present denies. The place where Cetywayo signed is not set forth in the document, the time when he signed was inserted in the handwriting of Scheepers, who was admittedly not present, and could not have been present at that time, and could not have known in anticipation when the signature would be affixed. The date was inserted as of the 3rd April, and the Dutch equivalent for the word "confirmed" is in the same handwriting. This word does not appear in the translation of that document sent to the Natal Government by President Pretorius, under date 23rd March 1865 (Parliamentary Blue Book, C.-1961, p. 23), and must, together with the date, have been inserted subsequently to the affixing of the signature or mark purporting to be Cetywayo's, although his signature is witnessed by Dutchmen, who were capable of inserting the date, place, and object of signature.

The next document in sequence and importance is the alleged ratification of this document by Panda in August 1861. It was admitted that the original document was not taken down or submitted to him by the Transvaal delegates specially appointed to procure the alleged ratification, and it was not even alleged that Panda knew the contents of the aforesaid treaty. The ratification relied on was by another document. It was the duty of the Commissioners to interpret this document. They did so, and held that it was not a ratification of the treaty of 28th and 29th March 1861, but a promise to give such land as should be thereafter pointed out by Panda's captains. The Commissioners in giving it this interpretation were willing to hear any evidence which could be produced as to the subsequent pointing out of land by the captains of Panda, but no evidence of any character whatsoever was adduced to them that any land was pointed out by Panda's captains, or subsequently granted, either in writing or verbally, by Panda to the Land Commission appointed by the Transvaal, or any other persons on behalf of that Government.

Paragraph 16. As regards the analogy said to exist between the Transvaal documents and the treaties of William Penn, it is to be observed that before a single rood of land was purchased under those treaties, Charles II. had made over to his brother James, Duke of York, the Province of New Netherland, stretching from Delaware River to Connecticut River. Penn's title to the territories known as Pennsylvania rested on
E grants from the Crown of England. His treaties with the natives were recognitions of the claims of the aborigines to roam over the hunting grounds which were about to be occupied. The position and treatment of the natives in Natal at the time of its annexation are somewhat analogous to that of the aboriginal inhabitants of Pennsylvania.

Paragraph 17. The Commissioners do not imply that a written agreement with a Zulu Chief is invalidated by the fact of its being written, but they do most distinctly state that according to Zulu custom no cession of land is valid unless made by the King in Council on behalf of the nation.

Paragraph 18. The Commissioners are not aware of the Pondaland question referred to.

Paragraph 19. This has been answered in the reply to paragraph 15.

Paragraph 20. From the year 1847 when C. Van Rooyen and others, British subjects, crossed the Buffalo River for the purpose of grazing their cattle in Zululand, by
G permission of King Panda, up to the year 1870, the Boers have persistently endeavoured to obtain land from the Zulus, and in the opinion of the Commissioners have failed utterly in doing so, except so far as the land which has been decided to be theirs by the Commissioners.

The land stated by the Boers to have been given in 1861 was the only land ever beaconed off (in 1864), upon which beaconing off the Zulus have ever since protested in the strongest terms to the Natal Government. The Zulus entered a protest in 1865.

In March, 1865, President Pretorius informed this Government of the erection of these beacons in the following words :—

" Cetywayo has, with the consent and approbation of Panda, during the visit of the President of this Republic to the districts of Utrecht and Wakkerstroom, during the latter part of the preceding year, at the request of the Government, himself sent emissaries who pointed out to the President the boundaries between Zululand and the Republic, and in his presence erected the beacons in conformity with the document already mentioned in perfect harmony of feeling and good faith."

The Natal Government attached so little importance to the Boer claims to the land included in the treaty of 1861, and beaconed off in 1864, that in 1873 they requested the Home Government to permit them to occupy the strip of territory claimed by the Transvaal, in order to protect the Zulus from the encroachments of the Boers, although for eight years they had had under their consideration the alleged land cession of 1861, communicated to the Natal Government by President Pretorius, and his statement about the erection of beacons. **H**

Paragraph 21. One Transvaal delegate at the Rorke's Drift meeting, 1878, Mr. Rudolph, Landdrost of Utrecht, stated that in the Utrecht division, to the west of the Blood River, there were then residing Zulus, subjects of the Zulu King, over whom he did not consider he (the Landdrost) had any jurisdiction, except such as they chose to submit to voluntarily. He also stated that these natives did not pay taxes, while other natives residing in the same district, who had become subjects of the Transvaal, did pay them. And it was admitted by Messrs Rudolph and Uys, both delegates, that in the so called disputed territory no jurisdiction of any kind had been exercised, and Mr. Uys stated that, although the members of the Land Commission were promised each a farm within the ceded territory, they had up to date done nothing on the land with the exception of occasional grazing of their cattle thereon. **I**

Paragraph 22. The Zulus maintained always to the Natal Government that any permission given to the Dutch to occupy land was only for grazing purposes. Sir T. Shepstone, in a Minute written after his visit to Zululand in 1873, on the relations of the Zulus towards the Transvaal Republic (Parliamentary Blue Book, C.–1961), states:— **K**

" Minute accounts were then given of applications from individual subjects of the Transvaal to be allowed to occupy farms for grazing purposes, and some of these it was said had been granted, but all upon the condition that the occupiers should be considered Zulus while so occupying; and now these temporary and conditional permissions to occupy had come to be regarded as having conferred upon the Republic rights of sovereignty over the country."

At the Rorke's Drift meeting in 1878, Mandula, a Zulu delegate, in submitting the Zulu case, stated as follows :—

" Panda said he had already laid the boundary down as the Umzingceti, and he had given C. Van Rooyen permission to graze his cattle across the Buffalo on the Zulu side."

And when examined by one of the Commissioners on that statement, he (Mundula) gave the following evidence :—

" I was present when C. Van Rooyen went to Panda to ask for land across the Buffalo; he asked for pasture for his cattle on Zulu side, as he was then a Zulu subject; he was alone, and had one white man with him, Dorus T. Potgieter; he asked for no specified land, but asked to cross the river; the King consulted his indunas before he consented.

" I don't know that anything was given by way of asking for the land.

" The Zulus have always objected to any other Boers coming, as C. Van Rooyen was the only one that had permission, and was a Zulu."

At the same meeting of the Commission Gebula stated: " Your King told me to see " with my eyes what land the Boers were picking for themselves, as he, the King, " had pointed out the Buffalo as the boundary, and that C. Van Rooyen had cheated " him by saying he only wanted to graze cattle on the Zulu side of Buffalo."

The Commissioners also observe that the permission granted under the document of 1854 permitted the occupation of the country to the west of the Blood River conjointly, and so as not to interfere with the occupation of the Zulu people.

Paragraph 23. The Commissioners are unaware of any change of policy between the Zulu nation and the Natal Government at this or any period. At the time in question, 1861, Cetywayo was not the Zulu King, Panda was the acknowledged King, and Cetywayo's position was simply that of leader of an insurrectionary party; he was anxious to secure his own succession to the throne, and was not very scrupulous how he should secure it. His two younger brothers were then fugitives with the Dutch, having sought protection **L**

from Cetywayo's animosity, he having killed the mother and brother of one of them. There
M was no evidence before the Commissioners showing that the Zulu nation desired an alliance with the Boers against the English, and as a matter of fact such has never been the case, and the only consideration for the promise of the land given at the Waai Hoek meeting of 1861 was the surrender of these youths by the Dutch to their brother Cetywayo.

Paragraph 24. It is submitted that the view taken by the Commissioners is consonant with justice and equity, but not perhaps arrived at with strict regard to rigid fixed legal technicalities.

Paragraph 25. The Commissioners submit that no land cession was ever made by the Zulus, and that such opinion is supported by the evidence adduced.

Paragraph 26. The Commissioners submit, that whilst agreeing fully with his Excellency the High Commissioner, that the character of the Chief will always influence the Council of the nation, yet they contend that the Zulu law and custom are that any land cession must be made with the full consent of the Council of the nation concurrent with the will of the supreme Chief.

M. N. Galwey,
Her Majesty's Attorney-General, Natal.
J. W. Shepstone,
Acting Secretary, Native Affairs.
A. W. Durnford,
Lieut.-Colonel Commanding Royal Engineers.

Pietermaritzburg, Natal,
September 27, 1878.

Enclosure 8. in No. 19.

Memorandum: [To be appended to the "Replies" of the Boundary Commissioners, dated 27th September 1878, to Questions put in the Despatch from the High Commissioner of the 9th August.]

After reading these replies I had the advantage of an interview with the members of the Boundary Commission, and will briefly note the further explanations they were good enough to furnish to me on some doubtful points.

The references by thick Roman capitals are to the margin of the replies.

A. In reply to my inquiry, "By what law every writing is required to be witnessed by "at least seven disinterested witnesses," Mr. Attorney-General Galwey informed me that the Roman Dutch law was intended.

I need, however, hardly observe that documents executed under the circumstances described could hardly in equity be discredited because of non-compliance with a law of evidence so artificial and so obviously ill-adapted to the state of things described as existing at the time of alleged execution.

B. The explanations of the Commissioners did not enable me to arrive at any definite idea of the exact position which the Commissioners had assigned to the documents produced by the Transvaal.

They have certainly not been taken as evidence for the Transvaal claims, but they appear to have been allowed considerable weight in various ways in evidence against them.

This course appears to me as of doubtful equity.

As regards the documents themselves, it is hardly necessary that I should follow the Commissioners through the analysis of their reasons in pages 2 to 16 for rejecting the documents as evidence of the Transvaal claim.

It may be freely admitted that not one of them complies with all the requirements of a deed of gift under the Roman Dutch law. I shall have occasion further on to note the corroboration which I think they afford of an informal cession of land in return for the surrender of two Zulu refugee Chiefs of the Royal House, and other considerations partly received and partly expected.

C. I inquired of the Commissioners what was the kind of sovereignty they understood the Zulus to claim in the disputed or in any other territory.

I had more than one reason for asking this question, the kind of sovereignty claimed was nowhere defined in the Commissioners' report.

If complete sovereignty in the ordinary European sense were intended there was no reason why European settlers should be ejected.

They might continue to live on in Zulu territory as they did in Transvaal territory, subject, of course, to Zulu laws, but not otherwise more liable to interference than numerous Europeans who live in Swazi territory.

Moreover, there had been a few years ago an application from the Zulus that the Natal Government should take possession of the disputed territory and hold it for the Zulus. I wished to know whether this idea had been abandoned by them. The action of the Zulus last November was inconsistent with either supposition, but it was desirable to ascertain whether the question had been considered by the Commission.

The Attorney-General informed me it had not been so considered, and that he would wish for time before delivering an opinion on the subject of the nature of the sovereignty claimed; but I gathered from his remarks that what the Zulus now claim is not only what the Commission would define by the old term of Roman Dutch law, "plenum dominium," but all private rights in the land; that they claimed it as a part of Zululand for Zulus alone, and would not be content with any reservation of the rights of European tenants.

D. In reply to my question, How did the Zulus acquire sovereign rights in the disputed territory, and from whom and when were they acquired? I was informed that the Commission had not entered into that question.

E. The Commissioners have hardly apprehended the intention of my remark regarding Penn's treaties with the Indians. My meaning might have been clearer if I had asked whether there was any evidence of a cession by the Indians to Charles II., or of Natal to ourselves in modern times, which rested on evidence more free from flaws than that of the cession in question to the Transvaal delegates.

F. I inquired of the Commissioners, Whether they had any and what evidence of the Zulu customs on which they rely that "no cession of land is valid unless made by the King in Council on behalf of the nation"?

The Commissioners had no doubt that this custom was well known and unquestionable; they were supported by Mr. John Shepstone's opinion, which was confirmed by the Lieutenant-Governor's reference to pages 320 to 324 of "Holdens's manners and Customs of Kafir Races," chapter 15, part 2.

G. I pointed out to the Commissioners that their remarks on my 20th paragraph were hardly consistent with the fact that many Boers had built houses south of the Pongolo, and on the Zulu side of the Commissioner's border line, of which they retained peaceful possession up to November last.

The Commissioners informed me that they had not gone into that question, and had no precise knowledge of the extent of tenancies by farmers of European descent in the disputed territory.

H. The Commissioners' remarks on this part of their Minute did not to my mind prove more than want of consideration by the Natal Government in that day for what might have been just claims of the Transvaal Boers; the Commissioners were not aware of any right which the Natal Government of that day would have had to occupy the land beyond what might be supposed to be confined by the request of the Zulus.

I. The Commissioners' remarks on this paragraph did not satisfy me, that the neglect of the Transvaal authorities to exercise jurisdiction could affect the private rights of Boer occupants of farms which the Zulus destroyed in November last.

K. I was unable to ascertain from the Commissioners that they had any clear evidence of the Zulus having always said that what they intended to convey to the Boers was only a temporary grazing right.

To my mind there was nothing in the evidence to show that this idea of a temporary grazing right was not an afterthought very recently put forward by the Zulus to limi the effect of a cession which they could not altogether deny.

The first mention of the idea which I find on record is Sir T. Shepstone's Minute regarding his visit to Zululand in 1873.

L. The Commissioners have not correctly apprehended what I intended to convey.

The question I raised was not as to "any change of policy between the Zulu nation and the Natal Government," but as to whether there had not been a recent change in the views entertained by Cetywayo towards the Transvaal Government and that of Natal?

The impression I received from the evidence recorded was that at the time of the alleged cession the Zulus were anxious to propitiate the Boers, who had in their possession two sons of the Royal Zulu House, who might be troublesome competitors for power in Zululand; Cetywayo at the same time was not Zulu King, his father Panda was alive.

Here was a strong motive why Cetywayo should make cession, which at other times he would have refused; there appears no doubt that he did make some cession and got possession of the Princes of the Royal House.

That his father subsequently repudiated the cession, and that Cetywayo acquiesced

and now acquiesces in the repudiation, is the change of position to which I refer, and which the evidence recorded by the Commission seems to bear out.

M. The Commissioners are, I have no doubt, right that there was no evidence before them showing that the Zulu nation desired an alliance with the Boers against the English, but there can, I think, be no question that the Boers wished for allies against the English, and that the Zulus thought they might play off the one European nation against the other.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

Enclosure 9. in No. 19.

MINUTE.

The question before us for decision relates in the first instance, and as far as the finding of the Commissioners is concerned, only to the boundary between the Transvaal and the Zulus, in the country which lies between the "Buffalo" and the "Pongolo" rivers.

2. But it has become evident in the course of the inquiry, that it is practically impossible to deal with the Zulu boundary piecemeal. The Zulus have distinctly claimed a vast extension of their existing boundaries in every direction. It may be quite true that they only mean for the present to press the question as regards the country between the "Buffalo" and the "Pongolo," but it is impossible to shut one's eyes to the fact that they do not even pretend to limit their claims to this district, and it would, I think, be a culpable evasion of our responsibilities and duty if we failed to lay down distinctly to the Zulus the best conclusions we can form as to their just landward boundaries, and to let them know that whatever decision we may arrive at, after a careful hearing of all they can advance, must be respected.

3. It will be necessary, in the first instance, to define the subject in dispute, and to do this clearly, it is requisite briefly to advert to the past history of the parties concerned, and their connexion with each other.

4. Much of what has been written on the subject of this dispute is stated in terms similar to those used in disputes regarding long existing well defined rights in dispute between parties whose claims admit of strict judicial statement. It is necessary that it should be distinctly understood at starting, that nothing of the kind can be said regarding the present dispute or the parties to it.

5. The history of the Zulus as a distinct power in this part of Africa is entirely confined to the period of living memory. I cannot find that their most ardent advocates claim for them an existence as a separate independent nation further back than 1812. The names of 10 generations of petty Chiefs of the Zulu line are traditionally recounted, but up to the beginning of the present century there can be no doubt the Zulus were a small subordinate tribe tributary to the Umtitwa. Chaka was the illegitimate son of the Zulu Chief, "born to an accidental intimacy with a girl of another tribe." A fugitive from his Zulu connexions, he learnt discipline as a private soldier in a regiment of the first of the neighbouring Chiefs who had acquired from the white people something of their military organization. This Chief (Dingiswayo) did not destroy the tribes he vanquished; he used simply to annex the tribe and all its property to his own dominions. He was captured and slain about 1818, and up to the time of Dingiswayo's death, Chaka was his vassal.

6. After his death, Chaka, uniting the remains of Dingiswayo's Umtitwa tribe to his own tribe of Zulus, commenced a career of conquest on his own account, with this difference from the system of his master, that Chaka never spared the vanquished. He exterminated men, women, and children; his policy is described as having been "to "annually widen the circle of devastation around him, so that every year his expeditions "became more distant, until at length they crossed St. John's River on the south and "King George's on the north," till we are told "cultivation ceased altogether, "famine caused the loss of more life than the assegai, and cannibalism became an habitual "resource of the starving survivors."

7. Chaka was assassinated by his brothers in his own kraal, and in the full career of success, on the 23rd September 1828, in about the 41st year of his age.

8. It is necessary to bear these facts in mind, because they furnish a conclusive answer to any claim on behalf of Chaka or his successors to anything like national or dynastic rights, such as conquest can ordinarily establish among nations civilized or uncivilized.

9. The reign of terror, or the authority set up by the bloodiest and most ephemeral of modern revolutionary chiefs, may be regarded as a formal, merciful, and permanent form of Government compared to that which Chaka established during the 10 years of what may be called his reign, as a conqueror fighting on his own account. It seems to me a profanation of such words as right and justice to attempt to establish them on such foundation as Chaka's conquests.

10. I would here note some of the authorities which may be consulted by any who may wish to verify what I have stated, to know more of Chaka's system or his history, or who may desire to seek for a better basis of Zulu rights than the simplest and most savage exhibition of mere brute force. Successful conquest is commonly ennobled by the establishment of some system of law or order. But I fail to find in what is recorded of Chaka and his followers any distinctive feature, save an utter disregard of every claim of humanity, and of such law as may be found in the customs or consciences of even the most brutalized savages.

Amongst such authorities may be specified, Despatch of Lieutenant-Governor Scott to Duke of Newcastle, No. 34, 1864, and its enclosures. The subject of the Despatch is the right of native tribes to land in Natal, and the Despatch and its enclosures incidentally throw very valuable light on the history of the Zulus and the kind of rights their conquests established.

The "Report of the expedition sent by the Government of Natal to install Cetywayo "as King of the Zulus, in August 1873," printed at Pietermaritzburg, 1874, also affords valuable evidence of the same kind, being written with all Sir Theophilus Shepstone's full knowledge of the subject, and in a spirit the most favourable to the Zulus and their ruler.

Other evidence of the same kind will be found in Chase's "Natal, a reprint of public "Acts and documents, with a narrative of events up to 1843"; "Isaac's Eastern Africa," 2 vols., London, Churton, 1836; "Correspondence relative to the establishment of the "settlement of Natal," Parliamentary Paper, July 1848, and continuation as to a recent rebellion of the Boers, May 1849; "Further Correspondence," July 1851; "Votes and "Proceedings of Legislative Council of Cape Colony," 1861.

All these documents contain much contemporaneous information regarding the transactions now in dispute, and which are discussed in the later Blue Books.

11. Chaka was succeeded by his brother and assassin "Dingaau," by whom Chaka's policy of extermination of all the vanquished was carried on with little, if any, visible relaxation of its barbarity.

12. It was apparently in Dingaau's time that the Zulus first came into unfriendly contact with the white men; but Europeans are recorded as having settled at Port Natal four years before Chaka's death, and in less than 10 years afterwards the emigrant Boers arrived in Natal, and the relations of the two principal parties in the present boundary dispute may be said to have commenced. This was about 40 years ago.

13. It is not necessary that I should trace in any detail the history of the Boers' emigration into these countries. They were the descendants of men who had left their homes in Europe generations before, to seek in Africa freedom to govern themselves, and to worship God after their own fashion. Under a keen sense of wrong, which they could not resist, they pursued their search of freedom by emigrating into what they regarded as deserts, where they hoped to find themselves emancipated from any law but that of the Bible, which they carried with them, and to whose precepts, as understood by themselves, they paid implicit obedience. It may be true, as is often said, that they had no real natural right to the lands of which they acquired possession, that they were simply intruders into what belonged to others. But, as regards Natal and the adjoining territories, it will be seen from what has been stated of Zulu conquest that it would not have been easy for the most acute jurist to say with whom lay the right, divine or natural, to any of the lands the Boers visited. Pure brutal force constituted the sole recognised local title to possession; the Boers had force of their own, and every right of conquest; but they had also what they seriously believed to be a higher title in the old commands they found in parts of their Bible to exterminate the Gentiles and take their land in possession. We may freely admit that they misinterpreted the text, and were utterly mistaken in its application, but they had at least a sincere belief in the divine authority for what they did, and therefore a far higher title than the Zulus could claim for all they acquired.

14. It is not necessary to detail how Retief and his party were murdered as a sequel to what "Dingaau" led them to believe was a friendly negotiation for the assignment of territory; this act of treachery led to the alliance between the Boers and "Panda,"

the brother of "Dingaau," who was defeated, compelled to fly, and ultimately killed by the Swazies, among whom he had taken refuge.

15. Panda, who with some of his councillors, had been kept in the Boers' camp as a precaution against treachery, was proclaimed King, and reigned with more or less divided authority till succeeded by his son Cetywayo, the present ruler.

16. The questions on which are rested the several claims for the disputed territory arose out of the relations of the Boers on the one hand, and Panda and his son Cetywayo on the other. Before examining these it will be sufficient to note that, as regards the area which was specially under the consideration of the Boundary Commissioners, it seems to me to be impossible to discover anything like "original right" to the territories which can be claimed by either party; the only evidence of possession anterior to Chaka's conquest would apparently give the territory to Langalabalele's tribe, who were not Zulus, and have long since been driven to other regions. I gather, indeed, from His Excellency the Lieutenant-Governor's explanation that by "original right" nothing more is meant than actual possession at the time the Zulus and Boers first came in contact. It may in fact be said that the questions at issue go no further back than 1837–38, and that they may be briefly summed up in the following:—

What land has either party held since 1837–38 by treaty or agreement, by actual possession, or by exercise of any rights of sovereignty?

17. I will first state the Zulu claim, and would refer for a more precise definition to the annexed map.

18. The Zulus, waiving for the present any claim to their old possessions south of the Tugela in Natal and Pondoland, claim the whole of the country between the Buffalo and Pongolo rivers up to the Drakensberg, including the whole of the Utrecht district; thence, north of the Pongolo, they claim a wide strip of country, bounded by the Drakensberg, and apparently the watershed between the eastern and western systems of rivers up to about latitude 26° 30′, north of which runs an irregular line between longitude 31° and 30° up to about the 24th parallel of latitude.

19. It is true, as pointed out by the Lieutenant-Governor, that this claim is, at the present moment, more a piece of diplomatic bravado than a formal demand for territory; but the whole history of the case shows that it will not be safe to rely on extravagant claims of this sort not being pressed. They have been formally put forward; they have never been withdrawn, and they may be revived at any inconvenient moment, and strong argument may be founded on their never having been formally abandoned or negatived by authority. If there is to be future peace and security against the revival of such claims they must be investigated and disposed of now.*

20. The Transvaal claim extends from Rorke's Drift, on the Buffalo, to the Pongolo, near Silverton, by a line said to have been beaconed out by both parties in 1864; thence down the Pongolo to the Libombo mountains, which are followed for almost 10 miles northwards. The line then turns west for about 30 miles, when it again turns northwards and skirts the western boundary of the Swazi territory, up to the meridian of Delagoa Bay, when it again follows the ridge of the Libombo mountains northwards to the Sabio River, and thence, in a northerly direction, varying from 10 to 20 miles east or west of the meridian line of longitude 32°, up to the Krokodil or Limpopo River.

21. All the area included between the lines of boundary thus claimed is more or less in dispute, and the true boundaries of occupation and sovereignty must be defined before the present disputes can be regarded as finally settled.

22. But, in the first instance, let us confine our attention to that part of the area between the Buffalo and the Pongolo Rivers, which is the only part directly dealt with in the Commissioners' report.

23. Here the Zulu claims, extending up to the Drakensberg, are said to be "based "upon their original rights to the country, which, it is said, are not disputed."

24. I have already given reasons for concluding that no such "original rights," irrespective of possession, can be now discovered or recognized. The best original right claimable can only be one of Zulu conquest and occupation, which cannot date further back than about 1818, and can establish no better title than subsequent conquest and occupation by the Boers since 1835.

25. The Transvaal delegates, however, do not appear to deny that the Zulus had possession and "de facto" sovereignty over the country on both sides of the Blood River and up to the Drakensberg, when the Dutch emigrant Boers first appeared in

* Since this was written, Cetywayo, in writing to the Lieutenant-Governor, has formally re-stated his claim to the country north of the Pongolo.

Natal; and the Zulu rights when existing, whatever they may have been, are, it is contended by the Transvaal, limited by a series of cessions and Dutch occupations extending down to the line east of the Old Hunting Road, as beaconed off in 1864, especially by two cessions said to have been made in 1854 and 1861.

26. In the Commissioners' first report they condemned "all or nearly all of the "documentary evidence brought before them by the Transvaal delegates." The reasons for this rejection were not stated by the Commissioners in detail in their report. This defect is, to some extent, supplied by their "Remarks," of which a copy is annexed. [*Vide* Schedule No. .]

27. I have separately noted my reasons for doubting whether this wholesale rejection of the Transvaal documents is justifiable. The Commissioners, however, conclude "that no cession of territory was ever made by the Zulu people, and that even had such "a cession been made by either Panda or Cetywayo it would have been null and void, "unless confirmed by the voice of the nation according to the custom of the Zulus."

28. The right conferred was, the Commissioners maintain, simply a grazing right, and that such right was conferred only in respect of land within the Utrecht district west of the Blood River, that it was limited to certain individuals, and subject to conditions that none of the Zulus living there should be disturbed, and that the cession said to have been made by Panda in 1854 of the Utrecht district would have been invalid but for the many acts of sovereignty and possession exercised by the Transvaal authorities and subjects during 30 years since the cession.

29. The subsequent cession of 1861 is considered by the Commissioners as not conferring any right better than that of continued and permitted trespass in the face of persistent protest from the Zulus.

30. I cannot do better than quote Sir Henry Bulwer's summary of the Commissioners' conclusions, as given in paragraphs 11 and 12 of his Despatch, No. $\frac{104}{S.A.}$, of the 8th July 1878:—"The Commissioners hold, it would seem, that there has been no such "occupation of the land lying to the east of the Blood River [as would confer any "right of sovereignty]; that there has been no abandonment of this territory by the "Zulu nation; that, though the alleged cession of 1861 formed the subject of several "missions to the Zulus on the part of the Transvaal Government, all their endeavours "made in this way were unsuccessful; that there has been no recognition by the Zulus "of Boer occupation, nor any abandonment of Zulu occupation; that the country has "been, and still is occupied by the border clans; that there has been no jurisdiction "exercised by the Transvaal authorities over those clans; and that there has been no "overt act on the part of the Transvaal, amounting to an assertion of their right to the "land they hold; accordingly that the Boers never acquired and the Zulus never lost "dominion over this portion of the country, and that it is still properly a portion of "Zululand."

"12. In sum the Commissioners conclude that the Utrecht district, with a boundary line defined by them upon the basis of the transactions of 1854, and the proclamation of 1859, is, by virtue of long-standing occupation, an occupation which has been practically admitted by the Zulus a portion of the Transvaal territory, and should be considered and remain as such; and, secondly, that the land lying to the east of this line, and between this line and the Pongolo River, has never ceased to be Zulu territory, and is Zulu territory by right, and should be considered as such.

"Finally, the Commissioners recommend that the line as defined by them, and as shown in Sketch Map C, stretching from the junction of the Buffalo and Blood Rivers, along the latter river to its main source in the Magadila Mountains, and then straight to the round hill between the two main sources of the Pongolo in the Drakensberg, shall be from henceforth the boundary line between the Transvaal and Zululand on this side of the Pongolo."

31. I have separately given in detail my reasons for not concurring in the wholesale rejection of the Transvaal documentary evidence by the Commissioners. [*See* Memorandum of remarks on Enclosures No. .]

If the case had been one between man and man, the natural course in such circumstances of my non-concurrence in the rejection of evidence would have been to order a re-investigation as regards the weight to be attached to the documentary evidence rejected.

32. It is, however, I think clear that the Transvaal advocates would not be likely to obtain a substantially different verdict in any court of arbitration or equity, or any other tribunal which, though not bound by any strict technical rules in admitting or rejecting evidence, would look to the substantial credibility of any document as proving the agreement to which it related.

33. In such a court I think that the Transvaal advocates might establish the genuineness and substantial validity of more than one important document rejected by the Commissioners, but I cannot see that this would much advance their case. There is no doubt that some promise of a cession of rights connected with the lands in question was made; that the Transvaal representatives demanded some concessions from the Zulus, and got something of a concession about the same time, in return for the delivery to Cetywayo of two youths of the Royal house, who might otherwise have been inconvenient competitors for the throne at Panda's death.

34. Whatever the Transvaal got at that time was given or promised by Cetywayo not as King, but as co-regent with his father. I see no reason to doubt that the Transvaal delegates wrote down what they believed or hoped they had got, if not at the exact time of their meeting with the Zulus, certainly very shortly after, and that they tried in good faith to get it confirmed by Panda as King and by the Council of the Zulu nation. It is clear that they did not succeed in this attempt; that, on the contrary, they were put off from time to time till at last Panda openly repudiated Cetywayo's promise and appealed to the Natal Government to interfere.

35. It seems also clear that the confirmation sought for from the nation was never obtained, and also that this confirmation is, by Zulu custom, an essential requisite to the validity of a national agreement.

36. Cetywayo's repudiation, as King, of agreements he apparently made as a co-regent, for a valuable consideration received by him, would, no doubt, put him out of court, as well as disgrace him, if the agreement had been otherwise established, but as it lacks the confirmation which the assent of the Great Council alone could give, I cannot see that, however well authenticated the documents might be, they would now enable the Transvaal to compel in any court of equity the specific performance of the agreement made by Cetywayo when he was only co-regent.

37. I do not see that there are any grounds for imputing to the Transvaal advocates that they knowingly produced as good evidence documents which they knew had been fabricated. Judging from what is before us, we may give them the credit of having extorted a promise from the fears or hopes of Cetywayo, and of having done their best accurately to record the agreement and to get it properly confirmed. That they failed in this latter attempt, possibly through the bad faith of the other party, seems clear, and may be admitted without reflection on the honour of the Transvaal representatives.

38. It is in consequence of this view that it is not necessary to discuss what was the nature of the concessions, whether of temporary grazing rights, or of permanent occupancy, or of sovereignty. I cannot find on the record any sufficient ground for the Commissioners' conclusion that only a grazing right was intended by the Zulus or that it was limited to a few individuals. These limitations appear to me to rest on no better ground than very recent assertions of the Zulus; but as the concession, whatever its nature, was never fully ratified, nor even enjoyed in the terms claimed by the Transvaal, the question regarding its exact limits is now of little practical importance.

39. Under such circumstances it appears to me that the only mode of doing substantial justice would be to accept actual possession by the respective parties as the sole evidence of right, and to maintain such possession undisturbed for the future.

40. But here again the relative actual positions of the parties present a practical obstacle to final demarcation. It is stated, and apparently admitted without question, that beyond what may be called the Utrecht district proper, as bounded by the Blood River, there has been such an interlacing of occupation and jurisdiction as renders impossible the drawing a continuous line between the two occupations or jurisdictions. In the part where the Transvaal occupation and jurisdiction was in the ascendant there were Zulu intruders, who, the Commissioners tell us, were habitually subject only to Zulu jurisdiction, whilst in the part where the Transvaal jurisdiction was least assured there were white settlers habitually subject to the Transvaal, with whom till lately the Zulus dared not interfere. I gather from what is stated on this subject that it is clearly impossible to define a continuous line which shall correspond with the limits of occupation and jurisdiction by the subjects of either Government which were actually existing this time last year.

41. Under such circumstances the only obvious course is to draw an arbitrary line dividing the disputed territory into portions roughly approximating to the occupation and jurisdiction of either party.

42. This is practically what the Commissioners have done, and though we might draw other arbitrary lines differing from that which they propose, I cannot see that we could proceed on any essentially different principle than has guided the Commissioners, if, indeed,

the term "principle" can be applied to what is practically so rough a solution of the difficulty.

43. As far as I can judge, from the very imperfect data given, the division made by the Commissioners bears hardly on the Transvaal and its subjects. It is admitted that a number of farms, variously estimated at from 18 to 25 or 30, but the real number of which is unknown, were a year ago tenanted by Transvaal subjects, many of whom were driven or frightened out of their tenancy by armed forces sent by the Zulu King.

44. Had the means then at the disposal of the Transvaal Government sufficed, there can be no doubt that Government would have been justified in ejecting the Zulu intruders, and replacing and protecting the Transvaal occupants. Under the circumstances no blame may attach to the Transvaal authorities for not asserting a right which they could not at the time defend by force, but the toleration of such an act of violence must not be construed into any doubt as to the validity of the claims of the Transvaal occupants.

45. It is, however, difficult to say how far back justice would have required that the Zulu line should have been drawn. The line proclaimed in the Transvaal President's proclamation of the 25th May 1875 [marked B B in the War Department map] appears to have been tacitly abandoned by the Transvaal advocates. The boundary of 1861, beaconed off in 1864 [A A in the map], though the best defined and most formally ceded of all the cessions, not only appears to lack confirmation by the nation and by virtue of actual occupation, but the grounds on which it was claimed appear to have been unknown until lately to Sir Theophilus Shepstone, who must, from his position in Natal, have been cognisant of any cessions in 1861 or 1864 which were admitted by the Zulu nation.

46. The Old Hunting Road [E E on the map] would have been in many respects as good a boundary as could have been demarcated had it corresponded with occupations; but as it does not possess this qualification it would be ineligible as an alternative.

47. The line [C C on the map], said to be that ceded in 1854, would apparently have been open to no such objection, and the Transvaal might urge many grounds for it being adopted in preference to that proposed by the Boundary Commissioners.

48. But this brings us face to face with the serious difficulties attending any attempt to modify the verdict of the Commissioners.

49 The Transvaal having been annexed as British territory, we have virtually become in this long pending boundary discussion judges in our own cause. We appointed the ablest of our own Natal Colonial servants to investigate and decide on the questions at issue, and we justly alleged our own belief in their impartiality and ability as titles to have their decision respected. They have given a definite verdict. They say in effect that the evidence before them being ill-defined and vague in the extreme does not warrant a definite decision as matter of proved right, but that they see their way to divide the subject-matter in dispute, in what they consider equitable shares, to the two contending parties. Their verdict is, in fact, a compromise, when they assert, I think with good show of reason, that no grounds for anything but a compromise can be found.

50. If we were acting as entirely impartial judges between man and man, or if we thought that the ground for a definite decision in favour of either party did exist, we might suggest some re-investigation and division more in accordance with our own ideas of justice. But we know of no grounds for forming a more conclusive opinion in favour of either party, and without such grounds I cannot see that we should be justified in varying the damages in a case which has gone against us, and in which we are so directly interested. We certainly could not do so without a loss of character far more serious than any possible loss consequent on an excessive award against us. Looking to the uncertainty of all the evidence produced I do not see how it would be possible to obtain the agreement of unprejudiced judges to any revision of the verdict, and not only the Zulus, but almost everyone who could not agree to the exact revision we might propose, would justly suspect our motives for wishing to alter the verdict to terms more in our own favour.

51. Still less do I think we can adopt a course which I have seen with regret advocated in more than one quarter, viz., that we should avoid carrying out the verdict of the Boundary Commissioners, "because any concession to Zulu claims would be regarded "by the Zulus as a weakness and dangerous at the present moment." It is impossible to argue such a proposition on any grounds higher than self-interest, and the possible avoidance of danger consequent on meting out to others the same measure we should rigidly exact for ourselves. I think we are strong enough to do justice in this matter without fear of consequences. But I am confident that no possible inconvenience we can suffer or risk we can run should weigh for a moment against the loss of character consequent on an evasion of our duty.

52. There appear to me but two matters to be considered in giving effect to the

verdict of the Commissioners, the first concerns the interests of those European settlers who occupied land in that part of the disputed area which the verdict of the Commissioners assigns to the Zulus. Most of these persons have been driven away or terrified into abandoning their farms; the Commissioners' report does not specify their numbers or the terms on which they occupied or any other particular regarding them, and the subsequent inquiries which I have made have shown me that nothing more can be ascertained on the subject of their claim without careful inquiry on the spot by competent impartial persons.

53. But, whatever may be their claims, no term of their occupancy can exceed a few years, and their losses will admit of being ascertained and estimated in money damages, which can be repaid to them. This should be provided for, and if fairly done all objections to carrying out the Commissioners' verdict on their account will be obviated.

54. There remains, however, a more serious objection which must be removed before the recommendations of the Commissioners can be finally accepted and carried out by our Government.

55. A considerable portion of the area to be made over to the Zulus has been, *de facto*, since the annexation, brought under the British flag, and the people who have been residing on it, and who have not been expelled by the Zulus, have been for some months British subjects.

56. They cannot, whether few or many, I think, be made over to the present ruler of Zululand without exacting from him satisfactory security that he will rule the district so made over to him, in accordance with the pledges given to his people and to the British Government at his coronation.

57. This subject is in one sense entirely distinct from the question of the disputed boundary, and it is not desirable that the two questions should be mixed up in the minds of the Zulus.

58. I only refer to the very serious reckoning upon which we have to enter with the Zulu ruler on the subject of his late conduct to us and to his people, in his alleged violation of coronation pledges, lest it should be thought that I had forgotten the character of the ruler with whom we have to deal, and was prepared to make over what had been British territory, and persons who had been British subjects, to a barbarous despot, without exacting any security for their fair government according to native usages.

59. The verdict of the Commissioners, and the mode in which we propose to carry it out, should, I think, be explained without loss of time to the Zulu people and their ruler.

His Excellency the Lieutenant-Governor, and, I believe, many persons of experience in this Colony, hope that such a proof of our desire to do impartial justice will have its effect upon the Zulu nation at large, will satisfy them that we intend to do justice, and render them more willing to trust us in future. I cannot say that my own expectations in this respect are by any means sanguine; but I do not think that any consideration of how the Zulus will receive what we consider a just award ought to influence us in making that award. I think that no time should be lost after the award has been given in bringing to a definite settlement all open questions between us and the Zulus; and I think that our determination in this respect should be conveyed to the Zulu nation and ruler as soon as possible after the communication of the award.

60. It has been proposed, originally by the Zulus themselves, and subsequently, as a means of avoiding the many inconveniences of a transfer of land to the Zulus as proposed by the Boundary Commissioners, that the Natal Government should occupy the disputed territory, and hold it as a sort of neutral ground to the exclusion of both the contending parties, the Transvaal and the Zulus.

61. Had the Zulu propositions to this effect been closed with when first made by the Zulus some years ago, it might have assisted a peaceful and satisfactory solution of the whole question; but it was not accepted by us, and it is, I think, too late now to revert to or revive it; all parties stand in a different position to that which they occupied when the suggestion was made by the Zulus, and it could only appear to the Zulus as a mockery of justice at the present moment, if we took the land away from the British Government of the Transvaal, and made it over to the British Government of Natal, by way of satisfaction to the Zulus.

62. Nor would the essential aspect of the transaction be improved if the whole district of Utrecht were taken from the Transvaal and made over to Natal. A promise to maintain the territory of the Transvaal intact and undivided was a very essential part of the promises made to the people of the Transvaal at the time of the annexation; this is not an easy promise to keep, nor will it even be free from difficulty to explain to the Boers why land which was held by the Transvaal at the time of the annexation, but which we now find did not justly belong to the Transvaal, should now be given up to the Zulus or other

native races. It is not, however, impossible to prove that in so surrendering what was not justly Transvaal territory we only do what justice requires. But I do not see how it can be possible to satisfy the people of the Transvaal, that we have kept our promise with regard to the integrity of their country, if we take from the Transvaal one of its best provinces and make it over to Natal.

63. It has also been suggested that it might be possible, if it were thought desirable, to obtain by purchase from the Zulus any portion of the land lying to the east of the line defined by the Commissioners, and assignable under the award to the Zulus.

64. There can be no doubt that it would be very desirable to obtain the land referred to either for the Transvaal or Natal, and that the purchase of the Zulu claim to it, in the manner suggested, might have obviated present complications, and may perhaps at some future period be found practicable and desirable.

65. But for the present, in the existing temper of the Zulus, and in the actual position of the question, it is clear that such an arrangement cannot be proposed or discussed with any prospect of advantage, or without the certainty of misconstruction and misapprehension.

Its consideration must, therefore, of necessity be postponed.

66. Thus far I have considered only that part of the disputed boundary question which has been dealt with by the Boundary Commissioners. This is the only portion to which our pledges of arbitration extend, and is, as far as I can see, the only portion regarding which the Zulus can reasonably claim our good offices to effect an amicable permanent arrangement.

67. But it is by no means the only portion to which Zulu pretentions are limited, nor it is the only portion which it behoves us to settle if we would avoid a continued state of mutual distrust and anxiety, which is little better than a simple suspension of hostilities.

68. We may dismiss all claims south of the Tugela with the simple remark that any Zuln pretension to uphold them would, at the present time, be a mere impertinence, hardly ealling for serious rebuke.

69. But it is otherwise with their claims north of the Pongolo, which are evidently put forth in earnest, which have no declared limit south of the Limpopo, and which cannot but have a most disturbing effect on our Swazie neighbours and others along 250 milos of the Transvaal border.

70. I cannot find in the papers before me, or in any information I have been able to collect here, any evidence whatever of Zulu rights of sovereignty north of the Pongolo, save those founded on power of invasion and devastation, resort to which they have been able to threaten during the last few years, presuming partly on the weakness of the Transvaal administration, but more on the omission of any imperative check by the British government.

71. All the information we have points to what his Excellency the Lieutenant Governor of Natal would define as "progressive encroachment by individual Zulus, of which the "King now takes advantage to turn it to his own account, and to make a claim which is "without any foundation whatever." A few years ago there were no Zulus north of Pongolo, except on the immediate banks of the river, and they were simply squatters, living there by favour of the Swazie Chiefs. These Zulu kraals were gradually pushed forward till they have now reached the neighbourhood of the Assegai River, and of the Dutch and English farmers living on either side of the Transvaal and Swazie border.

72. Within the last few months, I am told by a gentleman living in Swazie land, have appeared Zulu messengers, professing to come by authority of Cetywayo, to warn all Swazies and white men to "clear out." Some have at once obeyed, and all are in doubt and anxiety as to what they ought to do. One of them, an English gentleman, who has been farming for several years, by permission of the Swazie Chief, on the Swazie side of the boundary, beyond the Assegai River, has come to Natal to ascertain what he is to do an the event of his receiving such a Zulu notice to quit, as some of his neighbours have already received, and he desires to learn how far these notices have the concurrence or approval of the English Government.

73. Meantime the norices have been enforced by a raid from Zululand, under command of a Swazie refugee Chief, Umbelini, who has long been a terror to the neighbourhood in which he has been harboured by Cetywayo, in the Zulu country south of the Pongolo. The murders and plunderings which marked the course of this man in his late inroad a few weeks ago are reported to have struck terror itno the whole population, native as well as European, up to the neighbourhood of "Derby," where they are regarded, with no small show of reason, as the work of an advanced guard of the Zulu army.

74. It is absolutely necessary for the peace of that portion of the Transvaal territory,

that a stop should be put to this mode of enforcing Zulu claims. There is no evidence before us of any Zulu rights of sovereignty beyond the traditions of Chaka's conquest north of the Pongolo. Cetywayo must be told that he cannot be permitted to revive such claims to sovereignty by the process just described, and that if he really has any claims, which he thinks he can substantiate he must submit them to the decision of the British Government before attempting to enforce them upon the Swazies.

75. The following, therefore, is the award I propose to record :—

That the line as defined by the Boundary Commissioners, and as shown in the sketch map C.,* be fixed as the boundary henceforth between the Transvaal and Zululand, from the Buffold River to the Pongolo. The said line stretches "from the junction of "the Buffalo and Blood Rivers, along the latter river to its main source in the Magadela "mountains, and thence direct to the round hill between the two main sources of the "Pongolo River in the Drakensberg."

76. This boundary will be marked out, beaconed off, and surveyed without delay.

77. For this purpose the Zulus and the Transvaal authorities will be required to appoint each of them a Commissioner to accompany the Commissioner who will be selected by the Government of Natal to superintend the execution of this part of the award.

78. The Commissioners employed to mark the boundary will further be charged with the duty of ascertaining whether there are any and what Zulus on the Transvaal side of the future boundary, or European residents on the Zulu side, who wish to leave the lands now occupied by them and to remove to the opposite side of the border or elsewhere.

79. The Commissioners will report the amount of compensation which they think may fairly be given to anyone so wishing to transfer his residence on account of the alteration of the boundary.

80. Such transfer of residence will be optional, but those who do not wish to move will remain subject to the laws of that State within which they reside.

81. The Commissioners will further inquire and report whether any and what Transvaal or other settlers of European descent have been ejected from their holdings in the disputed territory during the past two years by any action of the Zulus. They will inquire and report how long such settlers have been on the lands from which they were ejected, by what authority and under what circumstances they occupied those lands, whether they voluntarily quitted their farms or were forcibly expelled, what loss they suffered in consequence, and whether such loss was occasioned directly by the action of the Zulus, or indirectly as a consequence of ejectment, and what amount of compensation the Commissioners think due for losses, the direct consequence of forcible ejectment.

82. The payment of compensation in all the above cases will be a matter for future arrangement between the Zulus and the English Government. The Zulus being responsible for damages consequent on the forcible ejection from their homesteads of any settlers who had "*bonâ fide*" occupied farms in the disputed territory.

83. The two existing roads across the disputed territory, between the Blood River and the Pongolo, known as the "Old Hunting Road," and the roads from Utrecht to Lüneberg, being old trading roads, must not be interfered with or interrupted; free transit along them must be allowed by the Zulus, as has been heretofore allowed by the Transvaal Government, to traders and travellers of all descriptions.

84. The Zulus shall not attempt to exercise any rights of sovereignty north of the Pongolo River, from the northern limit of the line fixed by the Commissioners to where the river enters the Libombo mountains.

85. Whatever claims the Zulus may have on Transvaal or Swazie territory north of the Pongolo must be referred to the British Government.

86. This decision will be communicated to Cetywayo by the Lieutenant-Governor of Natal in the name of the High Commissioner, and Cetywayo should be clearly informed that any infringement of its provision, or any forcible action of Zulus beyond the Zulu boundary as now laid down, will be regarded by the British Government as an act of hostility, for which Cetywayo will be held answerable.

87. Particular care should be taken that the award is delivered to Cetywayo in the presence of the "Great Council" of the Zulu nation, and a suitable time should be fixed

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* Enclosed in letter from the Lieut.-General of Natal to the High Commissioner, No. $\frac{104}{S.A.}$ of July 8th, 1878.

by the Lieutenant-Governor, after which Cetywayo and his Great Council should be informed that the award will be considered as final and will be maintained as such by the British Government.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

Enclosure 10. in No. 19.

Government House, Pretoria, Transvaal,
October 31, 1878.

SIR,

I HAVE the honour to forward to your Excellency the observations which I have thought it necessary to make upon the report of the Commissioners appointed by his Excellency Sir H. Bulwer to inquire into the boundary dispute between the Transvaal and the Zulus.

2. Attached to those observations are the remarks on the report which have been furnished by the Secretary for Native Affairs for this province, as also copy of the report made to me on the termination of the inquiry by the three gentlemen who represented the Transvaal before the Natal Commission.

I have, &c.
(Signed) T. SHEPSTONE,
Administrator.

Governor Sir Bartle Frere, Bart., &c. &c. &c.

OBSERVATIONS on the Report, dated June 20, 1878, of the COMMISSIONERS appointed by HIS EXCELLENCY THE LIEUTENANT-GOVERNOR OF NATAL to inquire into the Boundary Dispute between the Transvaal and the Zulus.

Government House Pretoria, Transvaal,
October 17, 1878.

THE depreciatory tone in which everything Transvaal is spoken of in this report, the disregard which it discloses of all evidence adduced in support of Transvaal claims, the ascribing, as I cannot but think unnecessarily, of unworthy motives, and the scant courtesy with which the Boers, and everything connected with them or their proceedings are alluded to throughout its paragraphs will fail, I fear, when the report is published, to assure the people of the Transvaal that their side of the question in the dispute has received its fair share of consideration at the hands of the Commissioners, such an assurance is especially grateful to the losing party in any dispute, and it is one which those clothed with the functions of judge or arbitrator are usually careful to convey.

2. The Commissioners have treated the question as a dispute between the Boers and the Zulus, leaving out of sight the fact that Her Majesty's Government has inherited the difficulty. I fully agree with the Commissioners in the propriety of following this course, because both populations view it from that stand point, and the Boers especially look upon it as a test question.

3. I have requested the Secretary for Native Affairs to this Government, who was one of the three gentlemen who represented the Transvaal Government before the Natal Commission, to furnish me with such observations on the report of the Commissioners as may seem to him necessary, and I enclose what he has written in the shape of remarks following each quoted paragraph of the report.

4. There are many objections of a technical character which might be urged to the procedure of the Commissioners, but I shall not notice them, except when incidentally they present themselves in the course of my observations.

5. The Commissioners appear to have traced out for themselves a programme of procedure that was equally removed from the expectations of both parties in the dispute.

6. The points at issue are, whether any cession of land to the Boers took place in 1861, and whether the erection, by both parties in 1864, of the beacons along the line alleged to have been ceded in 1861 does not prove that a cession of land to that line was made.

7. The Commissioners thought it necessary to investigate with great scrutiny the validity of the cession of 1854 upon which the district and capital of Utrecht were founded. The Transvaal has not much ground of complaint on the score that the Commissioners did this, notwithstanding that it appears to be beyond the scope of their inquiry, because, although on account of the informality of the documents in their eyes and the use of

" High Dutch " in some of them, they rejected the cession, the force of facts interposed to save their handing the town and district over to the Zulus, and induced the Commissioners to recommend their own line to a great extent along its boundary; and it is a circumstance deserving of attention that, although the Natal Commissioners pronounce the documents which purport to convey this cession to be unreliable, and that they cannot be regarded as documents binding equally the Zulus and the Boers, yet they have practically bound both parties from the date upon which they were written until now.

8. It is extremely unfortunate that the Commissioners should have allowed any reasons to interfere with their personally inspecting the land in dispute; the consequence is that they are obliged to argue in the dark, or with no better personal knowledge of the country they are arguing about than when they left Pietermaritzburg; whereas by extending their journey only 50 miles they would have acquired information which nothing but seeing could have supplied them with.

9. The Natal Commissioners say, " In taking into consideration the general question " of the claims of the Transvaal Government on the one side, and the Zulu King on " the other side, to territory in dispute between the two, your Commissioners consider " it would be desirable to ascertain and fix a period when the territory in dispute " belonged entirely to either one or the other, and they consider that the treaty made " in 1843 between the English and the Zulus affords such a stand point, as there was " no question but that the Zulu country extended northwards up to the Kahlamba or " Drakensberg Range or Chain."

10. It may be asked why the Commissioners should " fix " on the treaty made between the English and Zulus in 1843? The Boers had just the year before offered open resistance to the occupation of Port Natal by English troops; Mr. Cloete had, on the cessation of hostilities, arrived as Commissioner; he went to Panda and made the treaty in the interests of the Government by which he was commissioned, and whatever the provisions of the treaty may have been (I have no copy of it), it is evident that the Boers had nothing to do with it, and the question must, I submit, be looked upon from the Boer stand point; because, whatever defect may be urged against the national status or autonomy of the Boers at that time, such defect was so far cured by the Sand River convention, that their right to separate existence as a Government was recognised by that instrument; hence the present dispute.

11. But it may further be asked by what inherent right did the Commissioners assume to " fix " any point in the history of the past to start from, which was not a universally accepted point, or one agreed to by the parties in dispute? and why should the personal views of the Commissioners of the meaning and effect of such historic fact, not pleaded or advanced by either party, but selected by themselves, be the test by which the dispute referred to them should be decided?

12. Although I am bound to object to the fact which the Commissioners have fixed upon, because it is not one in which both parties to the matter in dispute were concerned, and therefore should not be held to bind both, I agree with them that it is desirable to start from a date at which it can be shown by patent evidence who the real owners of Zululand were, as decided by both parties to the question, *i.e.*, Boers and Zulus; and if the Commissioners had gone back three years in their history, this date would have been met with.

13. A war of extermination had broken out between the Boers and Zulus, and some desperate conflicts had taken place. Dingana was then Zulu King. His brother Panda had deserted to the Boers in Natal with a large section of the Zulu population, and he was created by the Boer Government " Prince of the Emigrant Zulus."

14. In January 1840 the Boers determined to attack Dingana in his own country, and they crossed into Zululand with an auxiliary Zulu force under Panda of 4,000 men; so successful and decisive had been this short campaign that, by the 10th of February following, the Zulu forces had been defeated, and for the most part dispersed, and the King had fled into the Amaswazi country, where he shortly afterwards was killed by the Amaswazi.

15. The Boers having now thoroughly conquered Zululand, and being encamped on the Black Umfolozi River, their Commandant proceeded to instal Panda, who had so materially assisted them, as Chief or King over the Zulu people " then under his command, as well " as over all fugitives or remnants of Zulus who might fly from Dingana to be under his " protection, together with those whom they (the Boers) might be able to place under " his rule;" no territory was assigned to Panda, nor indeed was any mention of the intentions of the Boers regarding the Zulu country made on that occasion.

16. Four days afterwards, however, *i.e.*, on the 14th of February, the following proclamation was issued in the camp.

I, Andries William Jacob Pretorius, Chief Commandant and Commandant-General of all the Burghers of the honourable the Volksraad of the South African Company of Port Natal, and Commander-in-Chief of the Army entrusted to me by said Volksraad, &c. &c. &c.:

Whereas the Volksraad of the South African Company was compelled, in consequence of the unprovoked war which the Zulu King Dingana or the Zulu nation commenced against the South African Company without a previous declaration of war, to incur expenses to the amount of 122,600 rijksdaalders, for horse and waggon hire, besides other war expenses for this and the two previous commandoes; and whereas the Zulu King, according to all appearances and reports, has crossed the Pongola River, his boundary line, and the remnant of his people hide themselves in many small parties, so that there is nobody to whom I can refer for the payment of these and former expenses: It is hereby made known, that as a compensation for the said 122,600 rijksdaalders, I hereby proclaim and decree, in the name of the said Volksraad of the South African Company, that I take possession of all the land from the Tugela to the Umfolozi-Omjama or Black River, that our boundary line shall henceforth be from the sea along the Black River, where this river runs through the Double Mountains near to its source, and from there further along the ridge (Randberg) in a straight direction to the Drakensberg, including St. Lucia Bay, besides all sea coasts and harbours which are already discovered or shall after this be discovered between the mouths of the Umsinvobo and Black Rivers. But these lands and sea coasts shall be considered as a separate property of the Company, apart from those which the late Mr. Retief procured for our Company from the Zulu nation.

God save the Volksraad!

Given under my hand, in my camp on the banks of the Umfolozi-Omjama or Black River, on this the 14th day of February, in the year of our Lord One thousand eight hundred and forty.

(Signed) A. W. J. Pretorius,
Commander-in-Chief.
H. T. Lombaard,
Jac Potgieter,
And. Spies,
Marth Scheepers,
Commandants.

17. It should be remarked that by this instrument the Pongolo River is declared to be the Zulu boundary. This must of course refer only to the lower portion of it which separated the Amaswazi from Zululand, because it is well known that at that time (1843) the country now in dispute, and even below the beaconed line of 1861, belonged to and was occupied by such independent tribes as those of Langalibalele, Putili, and others; and that they continued to occupy it until driven out by the Zulus. The Zulus themselves never ventured to occupy it until after the Boers had settled in Utrecht, because until then the fear of being cut off by the Amaswazi prevented them. The land alluded to at the end of the proclamation as having been procured for the Company by Mr. Retief, was bounded on the south-west by the Umzimvobo or St. John's River, and on the north-east by the Tugela River.

18. Here then we have a starting point in the history of the case itself under consideration, when the Boers, the very men who claim the strip of land between the Blood River and the beaconed line of 1861, had established themselves by right of Conquest as the owners of the whole of Zululand in 1840, and disposed of it as seemed to them best at the time. There can be no doubt about the evidence of this; the facts as above stated are patent history; there can be no objection of language or form urged against them, and they fulfil exactly the conditions of the stand point which the Commissioners describe as the object of their search, with the additional appropriateness that both the parties concerned acted and concurred in them.

19. It is a coincidence worth remarking, before passing to other portions of the Report, that the homestead of one of the signers of this proclamation, one of the commanders who contributed towards the conquest which the proclamation celebrates, a homestead which the owner has rendered valuable by the expenditure upon it of labour and money during a residence of a quarter of a century, is cut out of the Transvaal and given to the Zulus by the unexamined line so heedlessly, as it appears to me, decided upon by the Natal Boundary Commission.

20. Panda recognised his obligations to the Boers to the day of his death; in a message to the Landdrost of Utrecht in November 1864, Panda says: "I say still, as

" earlier, that I was born of that house (meaning the Boers), and that no commands " from here will ever be sent against my fathers. * * * Dingana wanted to " kill me and I fled to the people (Boers); they may have forgotten me, but I shall " never forget them as long as I live."

In the Report made by a Commission sent by the Boer Government to him in 1865, he is represented as saying: " But I now ask if you will please put back the line a little, as " it goes too far in the Kafir's land on the upper end. I wish the Boers would establish " one again as they did before when they made me King."

In Mr. O'Reilly's Report of September 1866, Panda is reported as saying: " Pretorius " must look on both sides of the line, because the kraal (Umuzi, *i.e.*, the Zulu Royal " kraal, equivalent to saying the Zulu people) is Pretorius's; he brought me here; I " know nothing of the land." Quotations of this nature from numerous documents might be multiplied, to show the position which Panda considered himself to hold towards the Boers. According to his view he was theirs and the Zulu country was theirs, notwithstanding the treaty of 1843; and he appears never to have fully understood how the British occupation of Natal had affected the position of the Boers towards him, or modified their rights over him and the country. This fixed impression on his mind accounts for his not seeing the necessity for rigid boundary lines between his people and the Boers, or why they should not live together, or amongst each other, as belonging to one house, as they did when the Boers made the first line, when they made him King. It was, however, natural that he should object to his people being required to pay taxes to the Boers, because the people had been given to him by the Boers, and Zulu jurisdiction is personal rather than territorial.

21. It is true that by the British occupation of Natal that followed soon after these events a new set of ideas was introduced. We, so to speak, inherited whatever rights the Boers had acquired for the power we superseded in Natal, and by Mr. Cloete's treaty with Panda in 1843 we may have abandoned that portion of those rights which were outside the present boundaries of Natal, and so allowed Panda to become what he had not been before, an independent Chief; but the events of 1840 which I have described cannot, I think, be ignored in adjudicating on this matter, they shed a light upon all the subsequent phases that present themselves in it, and the people of the Transvaal are, as appears to me, entitled to such considerations, political or moral, as are suggested by them.

* O. No. 69*a*, para. 69.

22. * The Commissioners remark that great stress was laid by the Zulu delegates on the fact that the Zulu King had no right or authority as King, without the sanction of the Zulu people, to cede any part of the Zulu territory to any foreign State or private individual. The Commissioners go a step further, and say that they acknowledge this principle, and declare that the King is trustee for the Zulu nation. According to the evidence which I have before me, and which was written down at the time, the Zulu delegates never thought of laying down such a principle, or of asserting such a " fact," until it had been suggested to them by the questions of the members of the Commission, and this is especially apparent during the last day but one of the session of the Commission; it would indeed have been surprising to find that any true Zulu entertained an idea so far in advance of the social and political beliefs of his country.

O. No. 65

23. The Commissioners proceed (paragraph 90 †) to lay down upon this principle how, in their opinion, had there been any land cession by the Zulus to the South African Republic, that cession would have been carried out; that " the matter would have been " submitted to a Council of the Chiefs representing the nation, and had it received their " assent the border Chiefs would have been directed to remove their people to the Zulu " side of the arranged boundary; but," they add, " the evidence of all the border " captains present at the conference at Rorke's Drift, and of the Zulu delegates, is " entirely against this," that is, against the assertion that certain of the border population received through their Chiefs orders to remove, and so they conclude that no cession of territory has ever been made by the Zulu nation.

24. I have searched the evidence to discover who " all the border captains present at the conference at " Rorke's Drift " who gave their evidence on this question were, and I find three: 1st, Umarubulwana, induna of the Amaqulusi, whose people were not affected by the boundary line at all; 2nd, Sirayo, who, when the line was made, induced the Boers to include the whole of the country occupied by him in Zululand; and 3rd, Umbemba, who is not a border Chief himself, but is said to have represented Seketwayo, who is, and some of whose people would be affected by the new line, but Seketwayo himself was not present before the Commission. This border Chief, whom Umbemba is said to have represented at the Commission, could not have known that this question would have been put by the Commission, and it is unlikely that he would have instructed his representative how to answer it. Of what value under such circumstances could his testimony be? On the other hand the testimony of the other two is what might be expected from men

speaking the truth. They were not required to move, and it was natural that they should receive no order to remove. The Commissioners can scarcely mean to insist that an order delivered by a messsenger direct from the King to the head of a kraal would be disregarded because it had not reached him through his local Chief.

25. It would be an ungracious as well as a tedious task to point out all the inconsistencies and incongruities which this Report is remarkable for. One, however, is so important in its bearing that I must allude to it. Paragraph 105* runs thus: "Your "Commissioners deem it desirable, for the purposes of this inquiry, to define distinctly "a boundary on the cession of 1854 and the proclamation of 1859; and they consider "that the Blood River, from its junction with the Buffalo River to its main source in "the Magidela Mountains, and from thence in a direct line to the round hill between "the two main sources of the Pongolo River in the Drakensberg, forms a reasonable and "distinct line, easily marked out and approximating very fairly with both cession and "proclamation." * O. No. 70.

26. In speaking of this same cession of 1854, in paragraph 9,† the Commissioners say, "the definition of the boundaries is so obscure that it is impossible to trace them with "any degree of certainty, no evidence having been produced to show what grounds were "then, not now, occupied by Panda's Kafirs" (it would have been more candid to have said that the Transvaal representatives declined to enter upon this question at all than to suggest the inference that no evidence could be produced), "or what two spruits "of the Pongolo River were meant, the river having many spruits (streams) running "into it on either side." Then follows the unbecoming insinuation "It seems probable "that this boundary was purposely left obscure to facilitate further land extension." † O. No. 3.

27. I wish now to be allowed to examine this "reasonable and distinct line, easily "marked out and very fairly approximating with both cession and proclamation." The first descriptive sentence of it is "The Blood River from its junction with the Buffalo "River to its main source in the Magidela Mountains." There appear to be two fundamental errors in this short sentence. As far as I know, there are no such mountains as the Magidela Mountains; it follows therefore that the main source of the Blood River cannot be in the Magidela Mountains. There is a place north-east of Utrecht called by the natives "Tsikala Sika Magidela," the opening or gap of Magidela. A man of this name once lived there. By the Boers it is called "Zaag Kuils Nek,"—Saw Pit Neck. It is not necessary to say that the source of the Blood River is not to be found in Saw Pit Neck.

In the next sentence the Commissioners are equally, or perhaps more, unfortunate. The sentence is, "thence in a direct line to the round hill between the two main sources "of the Pongolo in the Drakensberg." The question, of course, suggests itself at once. What round hill can this be? There may be, and probably are, many round hills between the two main sources of the Pongolo. The next questions which present themselves are, which two main sources of the Pongolo rise in the Drakensberg? I am afraid, for the credit of the Commission, that it will be found that none of the waters of the Pongolo come from the Drakensberg. So much, then, for this "reasonable and distinct line, "easily marked out and approximating very fairly with both cession and proclamation." The country cannot by any possibility be made to bend to it.

28. In paragraph 98‡ the Commissioners say they "have evidence before them that in "1877 the Zulu King restricted this claim, now put forward by him, to land on the "eastern side of the Blood River, bounded as defined in the land cession of 1854 and "the proclamation of 1859." This being the case, it is difficult to understand why the Commissioners should award him more than he claims, because the land cession of 1854 and the proclamation of 1859 both leave the Blood River at the junction of the outside or Lyn Spruit, go up that spruit or stream and on along the base of the mountains, while the Commissioners' boundary gives all the eastward of the Blood River to Zululand. Lyn Spruit means boundary stream, and received its name from the circumstance of its having been made the boundary. It is a north-eastern affluent of the Blood River. ‡ O. No. 69.

29. In the same paragraph the Commissioners say that they "do not consider that "the non-exercise of jurisdiction, civil or criminal, over some four hundred (400) Zulus "living in Utrecht territory disentitles the Transvaal Government to be deemed the "owners of this territory, or that the territory should not be considered as part of the "Transvaal." They then proceed to recommend how the rights of these 400 natives should be dealt with.

30. In this expression of opinion and recommendation the Commissioners evidently alluded to the territory west or on the right bank of the Blood River; but in reality they can apply to that on the left bank or eastern side only, from the Jagh Pad or old hunting road inland, because, although there are many Zulus living on the western

side of this river, there are none who are looked upon by the officers of the Transvaal Government or who look upon themselves as Zulu subjects, and over whom the usual jurisdiction, taxes included, has not been regularly exercised by those officers. This expression of opinion and recommendation, therefore, although intended to apply to the western side, have the effect of conceding the right of the Transvaal to the Jagh Pad, or old hunting road on the eastern side, where the conditions described by the Commissioners really exist.

* O. No. 69. 31. Then again in paragraph 97* the Commissioners say, "it is to be noted that subsequently to 1861, namely, in 1873, when the question of disputed boundaries was so vehemently discussed at the Zulu coronation, the only territory at the Zulu side of the Buffalo which the Zulu nation professed to complain about, or to claim, and to request the Natal Government to occupy, was the territory marked as lying between the lines of 1854 and 1861." The statement is literally true that the land complained of to me on that occasion does lie between those two lines, but it is not true that the claim was made to all the land lying between them. That discussion took place with me, and at Cetywayo's special request, and against my own wish, I sent a Commission, composed of Mr. Taylor and two native Natal indunas to accompany Cetywayo's men, who were to point out to my Commissioners the land Cetywayo complained of as being claimed by the Boers, and which he wished the Natal Government to occupy; and the land pointed out to them on the spot was, according to their evidence and report, the strip lying between the old hunting road and the line of 1861. The land above the hunting road, up to the line of 1854, was occupied by Boers' homesteads. I see no reason to doubt the truth of this evidence, or why the Commissioners should wholly ignore, as they have ignored, such important testimony.

32. And this brings me to the unpleasant necessity, but necessity nevertheless, of taking exception to the treatment disclosed by their Report which all the evidence adduced in support of the Transvaal side of the question received at the hands of the Commissioners. The Transvaal representatives produced 11 white and five native witnesses, all of whom had been actors in the matters regarding which they gave their evidence; all these were examined and severely cross examined under oath solemnly administered by the Natal Commissioners themselves. The Zulu representatives declined to call any witnesses, but the statements of seven Zulus were taken down; none of them were made under the obligations of an oath, or apparently with any other object than to contradict or explain away whatever had been advanced in support of the Transvaal claim; but notwithstanding this they appear to have been implicitly believed by the Natal tribunal, while the testimony of the Transvaal witnesses and the witnesses themselves were as summarily rejected.

33. This is rendered the more remarkable by the fact that on the last day but one of the session of the Commission, the minutes record that the following solemn appeal was made to the Zulu representatives by the President of the Commission: "I have a paper here which is sworn to be signed by Cetywayo, men are alive who are said to be present when it was said Cetywayo signed it. I have not heard a single word from him or his indunas that he did not sign it, or that he did not know the contents of the document which he signed. You knew these papers would be produced here, and I have to express my surprise that you have produced no witnesses to contradict them.

"I make the same remarks about three other papers, in which it is said Panda and Cetywayo had ceded land and recognised boundaries."

34. The course pursued by the Commissioners may have resulted from the impulse of conviction, but I cannot help looking upon it with regret as calculated to estrange a whole population, and impress it with the idea that its interests had been lightly treated because they were Boer interests.

There is no concealing the fact that the Report is remarkable for the tenderness and care with which it guards against any conclusion adverse to the one side and its ready condemnation of every pretension on the other.

It pains me exceedingly to make these remarks, but I am bound to take exception to what appears to me to be unjust in itself, and calculated to produce an impression disadvantageous to the reputation for fair dealing of Her Majesty's Government.

O. No. 59. 35. The argument which without hesitation the Commissioners advance in paragraph 79,† is, that even supposing that the beacons or landmarks had been put up under the directions of Gebula and Gunjini, they were persons of no importance in the country, therefore the act signified nothing, and then it is averred that these beacons were erected by an armed patrol because Mr. Sandbrink, one of those present, had been asked to take his gun with him.

36. If the Commissioners had applied the knowledge they undoubtedly possessed on this subject, they would have at once rejected such an argument as the former of these two, because they knew that whatever else Gebula was, or was not, in his own country he was at least the accredited messenger from the Zulu King and had been acknowledged to be so by the Natal Government for certainly more than 20 years, and as to the latter objection it is not in the nature of things that anyone having any knowledge of the Zulus or Zululand could for a moment believe seriously that a patrol of 30, or of even 100, armed Boers, could have succeeded, even if they had ventured to make the attempt, in erecting a series of beacons built up with stones to a considerable height along a line between 40 and 50 miles in length "on land the property of the border clans" contrary to the wish of those clans, and without the sanction of the King, and as to their having been built "in the absence of any representatives of these clans "and even of spectators from the neighbouring kraals whose land was then being given "away." Is it possible for anyone acquainted with Zulu curiosity, with the duties which are demanded from every individual Zulu to report anything uncommon to his headman, to accept a plea of such extraordinary unconcern at so important and special an occurrence as the visit of these Boers was?

37. But fortunately we have abundant evidence to show that this band of armed robbers, as the Commissioners would represent them, were supplied with cattle to kill and beer to drink by Seketwayo, the principal border Chief, the one most affected by the boundary line that was being laid down. We hear of no alarm being taken by the inhabitants of the kraals in the neighbourhood, of no armed party of Zulus making any attempt to rescue Gebula and Gunjini, who, according to the Commissioners' theory, must have been prisoners. On the contrary, everything went off quietly because it was known that what was being done had been acquiesced in by the King and the King's principal son, whose representatives Gebula and Gunjini certainly were.

It is however an indisputable fact that these beacons were erected under the circumstances stated, and that some of them were afterwards set back by President Pretorius so as to favour some Zulu kraals about the Zungeni Mountain, at the special request of the Zulu King.

38. This last described act by Pretorius, which would seem to ordinary minds to be confirmatory of the "*bonâ fide*" nature of the arrangement regarding the boundary, confirmatory too of the fact that it had already been fixed by consent of both parties, and that to alter it the consent of both parties was necessary, is considered by the Commissioners as "at once stamping the whole arrangement with grave suspicion," for the strange reason that "it is simply impossible under Zulu customs that this large tract of border should "have been taken from the clans without the full knowledge and sanction of the Chiefs, "who, one and all, most emphatically deny that one rood of land was ever alienated "from them."

39. What can be more natural, more business like, more probable, or more confirmatory of the fact that the boundary had been fixed as agreed upon? It had been made as straight as possible; the natives about Zungenis Neck had asked the King to get it altered; the King requested Pretorius, in July 1865, to "put back the line a little, "as it goes too far in the Kafir's land on the upper end." It was at the upper end that Pretorius did put back the boundary, and the alteration is shown by the divergence from the straight line at the upper or northern end of it. It is also to be noted as important in showing the goodwill of the people that when President Pretorius went to make this alteration, Seketwayo, the border Zulu Chief, sent him a goat as a present to kill and eat, as is the Zulu mode of showing respect and welcome. He said he would have sent him an ox, but that he knew the President was travelling in haste.

40. It was not until after I had written most of the foregoing comments that I received the minutes and other documents belonging to and forming part of the Commissioners' Report; the examination which I have been able to give these does not induce me to modify the impressions which the reading of the bare Report created, while it renders some additional remarks necessary.

41. Among these papers is a copy of the treaty of 1843, the starting point and "standpoint" adopted by the Commissioners. I can find nothing in it to sustain the formula, or to sanction the principle laid down by the Commissioners as necessary to be adopted or acted upon to constitute a valid cession of land by the Zulu King.

42. The first article defines the then known boundary between Natal and the Zulus, and provides how that which was not then known should be defined. The second binds the King "to direct Koedoe, the captain of certain kraals placed by the late King "Dingana on the right bank of the Tugela, and all such other captains' or Chiefs' kraals

" as may be found within the boundaries of the territory of Natal, to be removed from " their respective stations." The Commissioner, on the other hand, binding himself to allow them to remain until they had reaped their crops. Then follows a separate cession to Her Majesty of the mouth of the river Umvolosi and the bay and shores there situate (the Bay of St. Lucia), Panda binding himself to appoint, whenever he should be thereto requested, two indunas or commissioners for the purpose of defining the extent of the seashore so ceded and given up to Her Majesty.

43. Both these instruments profess to do what they purport to do by the sole inherent authority of the King, whose mark is attached to both in the presence of the same two " witnesses," who are both Zulu indunas, and who both attached their marks as witnesses, not as representing the people, but as verifying the King's act. There is no reference whatever made to the " council of the Chiefs representing the nation," or to the " voice " of the Chiefs and people," confirming the treaty or cession, and as a matter of fact, neither was so confirmed.

44. According to the principle and test laid down by the Commissioners, both the treaty and cession made and concluded on the 5th October 1843 are " null and void." Natal is still Zululand, and St. Lucia Bay still belongs to the Zulu King. This conclusion is inevitable if it be true, as the Commissioners aver, that " this treaty placed " the English in possession of all land to the west of the Buffalo River, up to the " Drakensberg." I need only add that the cession to the Transvaal which the Commissioners reject was made by the exercise of the same prerogative as that by the exercise of which, according to their view, the British Crown acquired Natal or any claim to St. Lucia Bay.

45. The arrival of the maps attached to the Report has rendered it necessary that I should add some remarks to those which I have already made on the subject of the boundary which the Commissioners recommend. Not only is the line they describe incapable of being traced out on the ground, but the description which the Commissioners give of it in their Report is inconsistent with the description of it shown on the map which they append; and the map is as incorrect as the written description. The Commissioners appear to have mistaken a spur running from the watershed that here represents the Drakensberg for the watershed itself.

* O. No. 70. 46. In map C. the proposed boundary line is sketched, " the object being to define " clearly a line." The written description of this line in the Report (paragraph 105*) sets forth the " Blood River from its junction with the Buffalo River to its main " source in the Magidela Mountains, and from thence in a direct line to the round hill " between the two main sources of the Pongolo River in the Drakensberg." The line sketched on the map C. to make the written description clearer runs from the junction of the Blood River up that river, but not " to its main source in the Magidela Mountains," for it leaves the Blood River and runs up to the sources of the " Klein Blood " River, which means the Little Blood River, and certainly cannot be the Blood River itself or " its main source in the Magidela Mountains." Then again the sketch shows that neither the main source of the Blood River nor that of the Klein Blood River is to be found in or even near the Magidela Mountains.

47. As far as I know there are however no Magidela Mountains. None of the sources of the Pongolo take their rise in the Drakensberg, consequently the round hill, which has no name, and which the Commissioners fix on the top of the Drakensberg, cannot be on the Drakensberg; and the general result is that between the errors in the written description, and the contradictions of this description by the sketch map, and the impossibility of reconciling either one or the other with the country itself which is the subject of adjudication, the Commissioners have not succeeded in " the object " which they describe as " being to define clearly a line," except on their map.

48. There is another feature of this Report which I am unable to pass over unnoticed, a feature which, considering that the document is judicial in its character, is calculated to kindle a sense of injustice and distrust. I allude to the atrocity stories (paragraph

† O. No. 64. 87 and 88†) which are introduced into the text of it. These stories are told in a somewhat sensational style, and so as to damage the reputation of the Transvaal. The Com-

‡ O. No. 64. missioners say (paragraph 89‡) that they " might be multiplied," but " that these instances " are given to show what little order was kept in this border country, and in territory " claimed by the white men and never acknowledged by the black."

49. I submit that the occurrences which gave rise to these stories had nothing whatever to do with the question of boundary which the Commissioners were charged to investigate, and that if they had to do with it they should have formed the subject of a full inquiry into each act from all the parties concerned. I submit further that the

Commissioners were not justified in using their view of these events, whatever the events may have been, as an argument in support of a conclusion which they favoured without such full inquiry having been gone into, and that the evidence which they did take on the subject gives them no warrant for using the language which they have used.

50. It is beyond doubt that the Republican Government was too weak to enforce what it believed to have been its rights against the Zulus, and may have been too weak to maintain the order which the Commissioners think ought to have been maintained to prove its rights; but the fact of being too weak to maintain a right by force does not disprove the existence of the right itself.

51. The South African Republican Government has, however, exercised sovereign rights over the whole of the Utrecht district as bounded by the Blood River and the old hunting road since 1859; all the land comprised within these boundaries has been divided into farms and granted to individuals, and annual taxes have been paid upon these farms to the Republican Government ever since. There were, however, 400 Zulu souls, all or most of them the legacy of Mr. Pretorius's leniency when he built the beacons, living in this territory eastward of the Blood River, not westward as the Commissioners suppose, over whom, for special reasons already discussed, the Transvaal officers did not exercise jurisdiction, while on the other hand there are five times this number scattered over the Utrecht district over whom jurisdiction has been and continues to be exercised.

52. There is one more point to which I wish to be allowed to refer. In paragraph 7* the Commissioners remark "that it is at least extremely unlikely that Umpanda, the "King of the Zulu nation, possessing large herds of cattle, ceded to a few farmers as "their perpetual property a large and fertile district of his country for 100 head of "cattle." Much of the ridicule that this sentence is calculated to cast upon the transaction referred to will be removed by viewing it in the light which the events of 1840 shed upon it. I quite agree with the Commissioners that the cession of land was not made in exchange for the 100 cattle; the 100 cattle were given in acknowledgment of the cession, and were received by Panda as such acknowledgment. It is customary in Zululand to acknowledge a favour by presenting an ox. The Boers therefore are right in pleading the presentation of these 100 cattle as evidence of the cession, because the acceptance of the cattle represented the ratification of the cession.

* O. No. 3.

53. I have but imperfectly reviewed the contents of the Report, and upon the evidence I have, from circumstances which I could not control or escape from, been able only to offer a very few general remarks. I regret this, because I fear that the interests of the Transvaal may suffer in consequence, and I feel bound to support those interests in so far as I believe them to demand my support, and so far only will I give it. I have written plainly, perhaps strongly, because I have given utterance to my sincere convictions, and because, while I regret extremely the unfortunate moral and political effect, not only throughout the Transvaal but throughout South Africa, which the tone of the Report will produce, I see no grounds or necessity for the Commissioners having allowed the features which I believe will produce this effect to appear so often and so strongly in the outcome of their proceedings.

54. It is of course possible that some of the Transvaal evidence may have been defective, and that some of the witnesses may have given their evidence in a manner not satisfactory to the Commissioners, but I cannot for a moment suppose that any of them intended to mislead; and it must be remembered, on the other hand, that a Zulu who might admit that which it had been beforehand decided should be denied would be in danger of losing his life.

55. It is necessary to explain that in the copy of the Natal Commissioners' Report which was furnished to me the numbering of the paragraphs had been omitted, and it was therefore necessary, to facilitate reference, that they should be numbered here. When the High Commissioner's copy came it was found not only that the paragraphs of that copy had been numbered, but that the two numberings did not correspond. It has been impossible to remedy this in any other way than to insert both sets of numbers, prefixing those figures which belong to the set on the High Commissioner's copy with the letters O. No. to facilitate reference to what must be considered as the original number attached to each paragraph.

(Signed) T. Shepstone,
Administrator.

Enclosure 11. in No. 19.

Memorandum.

I have carefully weighed the objections to the report of the Commissioners urged by his Excellency the Administrator of the Transvaal in his confidential memorandum of the 31st October 1878, but I do not find in them any sufficient ground for setting aside the Commissioners' verdict.

The questions before us are not of tone, or taste, nor of the relevancy of remarks which may or may not be regarded as reflecting on the motives of the parties to the case.

The questions are simply as to matters of fact, and I would confine attention therefore to those of Sir T. Shepstone's remarks which refer to an alleged disregard by the Commissioners of evidence tendered in support of Transvaal claims.

I have myself, in separate remarks on the evidence, noticed instances where I was unable to see the grounds on which the Commissioners proceeded in rejecting documents. Some of the grounds, such as the fact of documents being written in high or grammatical Dutch, which was not understood by either party to the dispute, were clearly not more weighty than an objection to a mediæval charter because it was written in Latin, which none of the parties understood.

But in the great majority of instances we have merely one opinion against another. The opinion of the Commissioners, with the documents and witnesses before them, against the opinion of the Administrator of the Transvaal, who had no such advantage as hearing and having power to cross-examine the witnesses. In such a case I must confess that however much my individual opinion as to the genuineness of a document might be supported by the opinion of so competent a judge as Sir T. Shepstone, I should not feel justified in affirming the credibility or genuineness of a document which the Commissioners declared doubtful. The Commissioners are the jurors to find the facts, and unless we accept their verdict as to the credibility of particular evidence tendered, it is difficult to say where we shall find the grounds for a decision which can claim to deserve general assent.

There is one particular class of facts regarding which I should have considered no witness so competent to speak as his Excellency the Administrator of the Transvaal. I refer to matters of historical notoriety connected with the Zulus and their dealings with other powers, of which, I believe, no one can pretend to knowledge so accurate and varied as Sir T. Shepstone.

Had it been possible for the Commissioners to examine his Excellency on such points, it would have required stronger evidence than is often to be found on such subjects to justify the Commissioners in differing from the views he might lay down. But in the absence of such facilities for hearing and learning by cross-examination the grounds of belief, it would be extremely hazardous to take an ex-parte statement. Much must always depend on the historian's point of view, and a comparison of his Excellency's present memorandum with his Minute of the 26th June 1876,* will show how materially different may be the impression conveyed regarding the relations of two parties, according as the chain of events is viewed from the standpoint of the one or the other party.

Many of the actual facts investigated by the Commissioners would not, of course, be affected by the standpoint from which an historical retrospect was taken; but there is one of material importance, regarding which I should have been inclined to accept the dictum of his Excellency Sir T. Shepstone, not only from the weight of his authority, but from the antecedent probability of the view he takes. I allude to the power of the Zulu King to make valid grants of land without the confirmation of the Great Council of the nation. I confess my doubts as to the practical existence of any such constitutional check on the King's despotic power inclined to the opinion given by his Excellency in the paragraph of his present memorandum. But on referring to the Commissioners to ascertain the grounds of the contrary opinion so confidently expressed by them, I was shown by his Excellency the Lieutenant-Governor passages in a historical work of authority, published in Panda's time† 12 years ago, and fully bearing out the conclusions of the Commissioners as to what were then the limits of the Zulu King's autocratic power (extracts from the work are annexed), and Mr. John Shepstone, the present Secretary for Native Affairs to the Government of Natal, who was one of the Commissioners, had no doubt that the limitation was a well known and real obstacle to the validity, in Zulu estimation, of any grant of land not ratified by the Great Council.

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* Vide No. 1; part 1, of Parliamentary Blue Book of 22nd February 1878. (C. 1961.)

† "The Past and Future of the Kaffir Races," by the Rev. W. C. Holden. London, 1866. Part II., ch. xv.

With this almost sole exception, I find that the facts regarding which Sir T. Shepstone differs from the Commissioners belong to the class which should, I consider, be left to the Commissioners as jurors, and on which we are bound to accept their verdict rather than our own opinion.

It is much to be desired that the strong objections urged by his Excellency the Administrator of the Transvaal to the boundary line as described by the Commissioners could have been considered by them before it was laid down, but I find it difficult to concur in its condemnation as an impossible line; there may be no mountains known generally as the Magadela Mountains, but possibly the mountain chain on which Magadela lived was intended by the Commissioners, and I have little doubt that Colonel Durnford, who has been over the ground, will be able to indicate exactly the line intended by the Commissioners.

It must be remembered that no local knowledge of names or localities in that district is likely to go further back than living memory; that no correct maps or surveys exist; and that no really accurate definition of boundary is possible by any other process than going to the spot and marking out the lines by material beacons.

(Signed) H. B. E. Frere,
Governor and High Commissioner.

I have the honour to enclose the extracts from Holden's "Past and Future of the "Kaffir Races," relative to the qualified power of the King or Chief in state matters, which were referred to at the interview of the Boundary Commissioners with your Excellency at Government House.

(Signed) Henry Bulwer.

His Excellency the High Commissioner.

"Government and Laws."

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* "Utshaka has been represented as an irresponsible despot, whose will was law, "and whose word was absolute." "Such was the fact but only in a qualified sense." He only "exercised unlimited despotic power after he had acquired absolute dominion, "but even then he did not resolve upon great state matters without consulting with "his chief officers, and being assured he should carry the approval of the nation with "him. His personal acts of cruelty and utter indifference to suffering and life were "unnumbered, and are untold; but these were mere acts of caprice, in which so many "persons were brutally sacrificed, but did not affect any great state question.

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"The existence of a Council in which all matters of importance are discussed at length "is another check upon the power of the Chiefs. This Council, the members of "which are called 'Amapakati' (literally, 'middle ones'), is composed of commoners, "who by their courage in war, or their skill in debate on public questions or in unravel- "ling intricate lawsuits, have acquired great popular influence, and are thus qualified "either to sustain or control the power of the Chiefs. They generally reside in different "parts of the country, and have a sort of civil jurisdiction over their respective neigh- "bours. A few of them are mostly to be found at the Chief's residence, but on the "occurrence of any matter of public importance, the arrival of a message of consequence "from the Chief of another tribe or the proposition of any particular measure on the "part of their own Chief, they are all summoned to the Umziwakwomkulu, and no "decision is come to till the matter has been thoroughly discussed in all its bearings. "As everyone of these Amapakati has his own partisans and favourites in the tribe, so "the shield of the patron is often interposed between his client and his Chief."

* * * * * * * * *

"Next to the Royal family in order and office are the 'Amapakati,' or Great Council "of the Nation. The members of this Council are persons of the greatest intelligence "and influence selected from different parts of the tribe, some of whom are always at "the 'great place,' and the whole may be called on great state occasions. The King "does not usually transact affairs of great importance without carefully consulting them, "so that in this way despotic power is greatly modified. This is also a great law court, "'House of Lords' of the nation, before which all cases of importance are tried, and "though the King pronounces sentence, yet he is careful to take the will or approval "of the Council with him. The Amapakati have great influence in the nation, and

" great power over the Chief. And, as before stated, they have to arrange and carry " out the regency of the young King. These authorities constitute the two great powers " before which all law cases are tried and determined."

Sub-enclosure.

REMARKS by the SECRETARY FOR NATIVE AFFAIRS on the REPORT of the NATAL COMMISSION on the TRANSVAAL and ZULU BOUNDARY QUESTION.

To his Excellency Sir Henry Ernest Bulwer, K.C.M.G., Lieutenant-Governor of the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population.

WE, the undersigned Commissioners appointed by your Excellency for inquiry into certain claims of the Transvaal Government on the one side, and the Zulu King on the other side, to territory in dispute between the two, and for considering the most effectual means of effecting a satisfactory settlement of the dispute, have visited the place named in the instructions of your Excellency, and having taken the steps necessary to the accomplishment of the duties with which we have been entrusted, we beg leave to lay before your Excellency the result of our deliberations up to the present time, together with the Minutes of Evidence which we have taken on the subject connected therewith.

Remarks by Secretary for Native Affairs, Transvaal.—The Commission appointed by his Excellency the Administrator to represent this Government before the Natal Commission reported shortly on the 20th April last the result in their view of the inquiry. A copy is annexed.

No reasons were given for the opinion arrived at, but a reference on each point proved was given either to the oral or documentary evidence.

In commenting on this Report I shall take it paragraph by paragraph, first copying the paragraph and then making my remarks immediately under.

Natal Report, 1.—Your Commissioners attach hereto a map of the territory lying south and east of the Drakensberg and between the Buffalo and Pongolo Rivers, showing the land claimed by the Boers under the cession of 1854, coloured yellow, and called the Utrecht district. Also the land claimed to have been ceded by the negociations of 1861, on the boundary line of which beacons (land marks) were erected in 1864, coloured lake.

S. N. A. Transvaal, 1.—The map referred to is not enclosed, and I am, therefore, unable to offer any remarks upon it. None of the documents referred to in this Report have been forwarded, so that in commenting on the evidence I have only had before me the minutes taken by the Transvaal Commission.

Natal Report, 2.—Your Commissioners have to remark that certain documents were put in evidence by the Transvaal delegates referring to the acquisition of this disputed territory, and submit that these documents cannot be received as reliable documents, and cannot be regarded as documents binding equally the Zulus and the farmers (Boers).

S. N. A., Transvaal, 2.—This is a very arbitrary and extreme conclusion.

Natal Report, 3.—The documents are written in high Dutch, and not in the patois spoken by the inhabitants of the country, and admittedly are difficult to be understood even by some of the parties who appeared before your Commissioners, and who aver that they signed these documents and interpreted them from Dutch and Zulu to the parties signing. No copies of the documents appear to have been given to the Zulu King or nation.

These documents, though written by parties interested in the subject matter of what was reduced to writing, and written by them to place their interests in the best light, yet afford some insight into what actually did take place, and to some extent may be received as evidence of the intention of the Dutch to obtain land from the Zulu territory, and reflect to some degree upon the acts of the Dutch and their conduct in carrying into effect that intention, and their dealings with the Zulus in that respect from the year 1854 to the year 1870.

S. N. A., Transvaal, 3.—The Natal Commission could not have been aware when they made this assertion that it has been the practice ever since the country became a Republic for all official documents to be written in what is called high Dutch. As a matter of fact the documents are not written in high Dutch, but grammatical Dutch. Two or three of them are written in the common patois of the country.

Only one gentleman of those who were tested as to their proficiency failed, and he failed not in not understanding the Dutch, but in attempting to interpret it into Zulu.

On the Commission, to which he was appointed Zulu interpreter, was a gentleman who spoke the language fluently, as he proved to the Natal Commission.

There is no doubt that these documents not only show the intention of the Dutch to obtain land, but that they actually obtained it by fair and legitimate dealing with the Zulu King. I cannot see why, if the Natal Commission has decided that these documents are worthless, they should use them as against the Dutch and not the Zulus.

Natal Report, 4.—The Transvaal delegates based their claim to the territory delineated on the map on the ground of cession or gift made to the Transvaal by the Zulu King in 1854, and in 1861 the Natal Government and the Transvaal Republic acknowledged, the one in 1843, and the other in 1854, that this land between the Drakensberg and the boundary line stated to have been arranged in 1861 and beaconed off in 1864 was land belonging to and exclusively under the control of the Zulu nation previously to these dates.

S. N. A. Transvaal, 4.—It might be inferred from this that the Transvaal Commission had to make good their claim to the cession of 1854, but this was not so. The Transvaal Commission distinctly objected to allow this cession to be called in question, because the land so ceded had ever since the date of cession been occupied by the Boers, and full jurisdiction, civil, criminal, and territorial, exercised therein by them without let or hindrance from the Zulus, and it was therefore impossible now to admit it to be in dispute.

The Natal Commission urged that it was necessary we should show between what lines the country in dispute lay, and that to do so it was necessary to state our boundary before 1861. This we did, and at their request gave them the deed of cession, stating that we did not intend taking any steps to prove it, as it was merely submitted for their information.

Natal Report, 5.—In taking into consideration the general question of the claims of the Transvaal Government on the one side, and the Zulu King on the other side, to territory in dispute between the two, your Commissioners consider that it would be desirable to ascertain and fix a period when the territory in dispute belonged entirely to either one or the other; and they consider that the treaty made in 1843 between the English and the Zulus affords such a standpoint, as then there was no question but that the Zulu country extended northwards up to the Quathlamba, or Drakensberg, range or chain. O. No. 1.

This treaty placed the English in possession of all land to the west of the Buffalo River up to the Drakensberg; the Zulus being the undoubted possessors of all to the east of the same river, and up to the before-named mountain range.

S. N. A., Transvaal, 5.—If this is necessary why should the year 1843 be fixed upon, when the treaty with the English was made, as a satisfactory standpoint, in preference to the year when the whole Zulu country belonged by right of conquest to the Dutch?

This was in February 1840, when they conquered Dingaan and proclaimed the Zulu country as far as the Black Umfolosi River to belong to them. This proclamation has never been revoked or set aside.

In 1843, the Amahlubi, the Amangive, and other tribes occupied the territory ceded in 1854, and it was not until subsequently that they were overcome and driven away by the Zulus.

Natal Report, 6.—Sometime about the year 1847 certain Dutch farmers crossed the "Umzinyati," or Buffalo River, from Natal, obtained from Umpanda, the Zulu King, permission to occupy certain land on the left bank of that river, which said land is stated to have been ceded to them in 1854 by Umpanda, but denied by the Zulus, who also state that the farmers only obtained grazing rights at the pleasure of the King, and nothing more. This document purports to show:— O. No. 2.

a. That the Zulu King, Umpanda, exchanged a large tract of country for one hundred (100) head of cattle.

b. That the King signed his name to this cession, no witness signing at the same time.

c. That this cession ran from where the Blood River joins the Buffalo River, up along the latter to the outside spruit (stream), and on, and under, along the mountains, all those grounds which are not now occupied by Panda's Kafirs up to the round kop (mountain) between the two spruits of the Pongolo River, and up to the time of the Free Republic, and all grounds included up to the British line.

d. The definition of the boundary of this cession is signed by three (3), and witnessed by two (2) farmers, being ratified by one Zulu, named Mapassan, a man of no rank among the Zulus.

S. N. A., Transvaal, 6. The Dutch farmers of 1847 had only obtained grazing rights from the Zulus, until the year 1854, when they determined to try and obtain possession, and for this purpose collected the cattle mentioned and took them to Panda, who accepted them in exchange for the land and signed the cession of 1854.

There is nothing to warrant the inference of the Natal Commission that Panda did not sign the deed or that the witnesses, both Dutch and Zulu, did not sign on the same occasion. The deed itself purports to have been both signed and witnessed the same day, and there was no evidence to disprove it.

O. No. 3. *Natal Report*, 7.—On examination into this, it appears to your Commissioners that it is at least extremely unlikely that Umpanda, the King of the Zulu nation, possessing large herds of cattle, ceded to a few farmers, as their perpetual property, a large and fertile district of his country for one hundred (100) head of cattle.

S. N. A., Transvaal, 7.—There is no doubt that the Zulu King had large herds of cattle, but it is equally well known that he was exceedingly anxious to get the Father-land breed of cattle owned by the Boers.

O. No. 3. *Natal Report*, 8.—They note that the King's signature is to a cession of indefinite extent, and that it is not witnessed by either Boer or Zulu.

S. N. A., Transvaal, 8.—The King's signature is not to a cession of an indefinite extent of country, as the paper states that he cedes a "piece of ground hereunder mentioned," and immediately below his signature follows the description of the land so ceded, and below this description the paper is signed by the three representative Boers buying the land on behalf of the community, and is witnessed by two other Boers and the Zulu Mapassan. The document is dated 8th September 1854.

O. No. 3. *Natal Report*, 9.—The definition of the boundaries is so obscure that is impossible to trace them with any degree of certainty, no evidence having been produced to show what grounds were then "not now occupied by Panda's Kafirs," or what "two spruits of the "Pongola River" were meant, the river having many spruits (streams) running into it on either side.

S. N. A., Transvaal, 9. This conclusion is at variance with that arrived at in the end of par. 105, where the Natal Commissioners state they are able to draw "a "reasonable and distinct line, easily marked out, and approximating very fairly with the "cession."

This is an arbitrarily assumed line, in which the outside spruit of the Blood River and the mountains mentioned in the cession are altogether ignored.

O. No. 3. *Natal Report*, 10.—It seems probable that this boundary was purposely left obscure, to facilitate future land extension.

S. N. A., Transvaal, 10.—There is not a shadow of ground for this conjecture by the Natal Commission; moreover, the boundary is clearly defined, as they state in par. 105.

O. No. 4. *Natal Report*, 11.—It is noted that Mapassan, who signed this document, is an obscure man, a messenger formerly employed in carrying messages between the Zulus and Basutos, said to be still alive in the Transvaal.

S. N. A., Transvaal, 11.—He may be an obscure man, but he was then a known Zulu messenger. He does reside in the Transvaal, but even had the Natal Commission requested his attendance, I doubt whether the Transvaal Commission would have called him, as by so doing they would have consented to the cession of 1854 being called in question, which they had distinctly declined to do.

They could not prevent questions being asked of Mr. Van Rooyen and Stunoman, who were parties to the cession.

O. No. 5. *Natal Report*, 12.—Upon these grounds your Commissioners attach no value to this documentary evidence of the so-called cession of 1854.

S. N. A., Transvaal, 12.—The document in question was not submitted for the opinion of the Natal Commission, but simply for their information.

O. No. 6. *Natal Report*, 13.—They believe that Cornelius Van Rooyen did originally obtain leave to graze his cattle on the left bank of the Buffalo River in Zulu territory from the then Zulu King of the country, Umpanda, and that by degrees he and his friends obtained a footing, there being reinforced by frequent additions to their numbers, both from the British Colony of Natal and from the Transvaal, and there established a Republic, and therein maintained a Republic until 1859, when this territory was, under the name and within the boundaries delineated on the map, incorporated with the Transvaal Republic by proclamation dated 6th November 1859.

S. N. A., Transvaal, 13.—The district of Utrecht, as ceded in 1854, formed part of the Sydenburg Republic till 6th November 1859, when it was incorporated with the South African Republic.

Natal Report, 14.—Your Commissioners consider that this so-called treaty supports this view, inasmuch as the right over the land was only granted to five (5) individuals, on condition of their occupying conjointly with Zulus, and not interfering with those Zulus, who, either themselves or their descendants, occupy the land to this day, and although within the claimed boundary neither pay tribute nor owe allegiance to the authorities of the Transvaal, who admit never having claimed tribute nor exercised jurisdiction over them, and according to the evidence of Landdrost Rudolph do not up to the present time. O. No. 6.

S. N. A., Transvaal, 14.—The right to the land was not granted to five individuals, but to three Boers representing the community which contributed the cattle to pay for the land, and it was an unconditional grant. *Vide* cession, 8th September 1854. The country was then quite uninhabited by Zulus. There were only one or two kraals of the Amahlubi and Amangive people who had remained when their tribes were driven out by the Zulus. See evidence of Mundulu, page 208, and Stunoman, page 152.

Natal Report, 15, 16. O. Nos. 7, 8.

S. N. A., Transvaal.—Has no remarks to offer on either of the above paragraphs.

Natal Report, 17.—Your Commissioners did not, for reasons which will be hereafter stated, visit this district, and were therefore unable to verify this line, but having called upon the Transvaal delegates to define it, those gentlemen gave a line which it is impossible to trace either in the cession of 1854 or the proclamation of 1859. The attached sketch A. shows the boundaries of the Zulu side according to our interpretation of the cession of 1854, the proclamation of 1859, and the claim of the Transvaal delegates as made by them on the 12th April 1878. O. No. 9.

S. N. A., Transvaal, 17.—It is unfortunate that the Natal Commission did not comply with our suggestion and inspect the line, as they would then better have understood the question. Map A. is not attached.

The Transvaal Commission described the line as ceded and proclaimed, but stated that they claimed down to the Jogt Pad by occupation and exercise of jurisdiction ever since 1854 (see what Stunoman states, pages 153 and 155), which line has always been recognized by the Zulus.

Natal Report, 18.—In the 26th paragraph of the Report of the Commissioners sent by the Natal Government in 1856 to trace the northern boundary of the Colony, *i.e.*, the Buffalo River, it is stated "During our stay amongst the farmers it was brought to our "notice by them that they had obtained from Pando the cession of the tract of country "beyond the Umzinyati (Buffalo River) *extending from the Blood River, called Income "by the natives, towards the* NORTH-WEST they had subscribed among themselves 100 head "of cattle for this land, which had been accepted by Panda." O. No. 10.

S. N. A., Transvaal, 18.—The Blood River was merely named as the boundary because it was the principal part of it; I have no doubt had inquiry been made the boundary would have been explained and stated as claimed by the Transvaal.

Natal Report, 19.—Thus in 1856, it will be seen that the land to the north-west of the Blood River was considered to be that ceded to the farmers, no mention being made of the Lyn Spruit as forming part of the boundary as advanced by the Transvaal delegates in April 1878 and that the Income, or Blood River, was understood to be the boundary by map makers, may be seen on reference to the attached half map B (publisher unknown), which defines the country between it and the Buffalo River as that "lately "occupied by emigrant Boers." O. No. 10.

S. N. A., Transvaal, 19.—Yes, and there is nothing to prove that that to the north-west of the Jogt Pad was not also considered as part of the cession. I do not think that this Government can be held responsible for what unknown map makers may choose to consider the boundary. O. Nos. 11 12.

Natal Report, 20, 21. *S. N. A., Transvaal.*—Has no remarks to offer on either of the above paragraphs.

Natal Report, 22.—They were directed to act "most cautiously," *and if they should find it true* that Panda and Cetywayo still intended to cede a part of their land to the State, then the Commission were to ascertain what land it was, and upon what conditions the cession was to be made, and to "act in accordance as they find this matter." The Commission were directed to keep all matters secret, and before finally settling every- O. No. 12

thing of importance with the Zulu nation, they were, if time permitted, to report to the Executive Council of the South African Republic.

Should the Commission be successful in obtaining a cession of land, then each member of it was to have a farm in the territory so obtained.

S. N. A., Transvaal, 22.—A reference to the document (Enclosure No. 3) will show that the instruction to act "most cautiously" is the commencement of article 8, and refers only to the caution to be exercised regarding any interference with the internal affairs of the Zulu country, and has nothing whatever to do with the acquisition of land. Article 9 contains the instruction regarding the land. The Natal Commission, no doubt, overlooked the fact that these are two separate and distinct articles.

O. Nos. 13–16. *Natal Report*, 23, 24, 25. *S. N. A., Transvaal.*—Has no remarks to make on these paragraphs.

O. No. 17. *Natal Report*, 26.—The Commission of which N. Smuts was President went to Sirayo's kraal, Ingwazini, and there saw Cetywayo, and recognizing the deposition of Panda, arranged with him, as *King of the Zulu nation*, and his captains, on the 28th March 1861, that Umpanda should be treated as the "old King," and that Cetywayo should succeed him as King of the Zulu nation, and as such King entered into arrangements with him respecting fugitives and other matters, the most important being a cession of land by Cetywayo, the boundaries of which were to be defined by the Border Commission and the Zulu captain Sirayo and the messenger Gebula as representing Cetywayo, who was further to receive a present from the Commission of 25 cows, a bull, a horse, saddle and bridle.

S. N. A., Transvaal, 26.—This Commission did not formally recognize any deposition of Panda, though they appear to have recognized Cetywayo as de facto King.

O. No. 18. *Natal Report*, 27.—On the 29th March 1861, the plenipotentiaries of Cetywayo are said to have handed over to the plenipotentiaries of the South African Republic a tract of country adjoining the district of Utrecht, and extending from the Buffalo Drift, near the Doosenhock Spruit, to the Pongolo River in a direct line eastwards, passing over the Zumgeni Neck, the whole of the arrangements being confirmed by Cetywayo and three of his captains on the 3rd April 1861, his signature and those of his captains, Hamu, Uswetu, and Seteku, being witnessed by P. M. Jordaan, G. M. Smuts, and F. du Plessis.

S. N. A., Transvaal, 27.—The boundaries are sworn to and the document is ratified by Cetywayo and his three brothers Uhamu, Siwedu, and Ziteku. See Mr. Uys' evidence, page 13, and Mr. Smuts, page 53.

O. No. 19. *Natal Report*, 28.—This document, No. (IV.), is stated to have been written by D. A. Sandbrink, as secretary to the Border Commission, on the ground, and to have been there signed by the plenipotentiaries on either side on the 29th March 1861. When the Border Commission returned to Utrecht they summoned a public meeting at Waaihock on the 1st April 1861, and informed the farmers of the result of their meeting with Cetywayo, who, they stated, was close by with a large force, and who had asked for a return of the fugitives. Upon this it was resolved to hand over the fugitives to Cetywayo, lest their retention might endanger the safety of the Republic. The Zulu plenipotentiaries, Gebula and Sirayo, being sureties for the safety of the aforesaid fugitives, to which they bound themsleves by signing the minutes of the meeting (Document V), their signature being witnessed by Assagai the messenger.

This document is also signed by the whole of the Border Commission and by many farmers who were present.

S. N. A., Transvaal, 28.—This document is not stated by the Transvaal Commission to have been written by D. A. Sandbrink on the ground and there signed.

The Transvaal Commission proved that the original document had been so done, but that, unfortunately, owing to blots and erasures in it, the chairman decided to have it rewritten; that he took it with him to Utrecht, and he got Mr. A. G. Seheffer to copy it; that he took this copy with him to Waaihack on the 1st April, and there explained to the Zulu plenipotentiaries the cause of his wishing them to sign the copy, which they agreed to do; and the chairman then caused the original blotted document to be read over and compared with the copy, and the Zulus, expressing themselves satisfied, signed the copy. The original was then torn up in their presence, the copy which they just signed being substituted for it, and it was this new document which Jordaan took to Cetywayo to ratify. This new document is therefore original as far as regards its ratification and signature by Cetywayo, his three brothers, and the three Boer Commissioners, on the 3rd April 1861, after the fugitives had been given up.

O. No. 20. *Natal Report*, 29. *S. N. A., Transvaal.*—Has no remarks to make on this paragraph.

Natal Report, 30.—The next step taken by the Boers appears to have been the sending of a mission to Umpanda to obtain from him a ratification of Cetywayo's cession of land of the 3rd April of the same year, the two Van Stadens, father and son, being employed. The result of this mission is a document purporting to be signed by Umpanda on the 5th August 1861, and witnessed by the two Van Stadens and Potgieter, giving, as "King of the Zulu nation," to the district of Utrecht, at the "request of "Martinus Pretorius," the "same piece of ground that was asked from Cetywayo, as "Cetywayo had no power to give it, as far as the captains will point out," requesting further that the Government of Utrecht would assist him "against the descendants of Dingaan and his followers" (meaning Cetywayo). O. No. 21.

S. N. A., Transvaal, 30.—The next step was the visit, in June 1861, of Mr. Pretorius himself to Panda about this cession, Mr. Pretorius asked for Panda's ratification of it, and he demurred on the ground of Cetywayo's want of power, and that they should have come to him; but ultimately he consented to ratify it, and asked for the document signed by Cetywayo that he might also sign it. Mr. Pretorius had not got it with him, but said he would send it down. It was then arranged that the beacons should not be put up till Mr. Pretorius himself could be present. He was then acting as President of the Orange Free State, as well as being President of the South African Republic, but living in the former, and therefore it was difficult for him to fix a time to be present; he however said he would send down and let Panda know when he could come, and that Panda and Cetywayo should then both send up representatives to be present at the fixing and beaconing of the line. See evidence of Mr. Uys, page 18, and Mr. Pretorius' affidavit, No. 23.

On Mr. Pretorius' return to Utrecht he at once sent down the two Van Stadens and Potgieter to obtain Panda's ratification to Cetywayo's deed of cession of 3rd April 1861. This Commission omitted to take this document (see Van Staden's evidence, page 85), and in consequence had to write there the ratification which Panda signed on the 5th August 1861.

Natal Report, 31.—Nothing more appears to have taken place, with the exception of a resolution of the Valksraad of the South African Republic of the 30th September 1864, that the President should appoint a Commission, and co-operate with it in settling the boundary line between the Republic and the Zululand, and put up beacons, upon which, presumably in December 1864, Martinus Pretorius, President, together with Paul Krüger and Joseph Fourie, members of the Executive Council of the South African Republic, and others, came to Utrecht, and sent the two Van Stadens, P. M. Jordaan, and Stunoman, a native messenger, to Umpanda, requesting that captains might be sent up to mark the boundary line between the Boers and the Zulus, as agreed to by Cetywayo in 1861, and Umpanda is said to have sent Gebula, Gunjini being sent by Cetywayo, as their representatives. O. No. 22.

S. N. A., Transvaal, 31.—In accordance with the arrangement with Panda, nothing could be done till Mr. Pretorius could be present, which was not till the end of 1864, when the resolution alluded to was passed, and he went down to Utrecht, and sent, in December of that year, for the Zulu representatives as previously agreed upon, and Gebula and Gunjini were sent up, the first representing Panda and the latter Cetywayo. See Gebula and Gunjini's own admissions of this.

Natal Report, 32. *S. N. A., Transvaal.*—Has no remarks to offer on this paragraph. O. No. 23.

Natal Report, 33.—Between this period and June 1865 a message appears to have been received from the Zulu King Umpanda by the Government of the South African Republic, through the messenger Umbemba, to the effect "that the land is broken in pieces" on account of the land cession claimed by the Boers, and requesting that Pretorius (the President) would come down and move the line, so as to remove all difficulties. Upon which a Commission was sent to Umpanda, finding him at his kraal Nodwengu. O. No. 24.

The minutes of their proceedings appear to show that they arrived at Umpanda's kraal Nodwengu on the 12th June 1865, and saw the King on the morning of the 13th.

S. A. N., Transvaal, 33.—A reference to the message will show that it was simply to the effect "that the land was broken to pieces," coupled with a request that it might be put to rights, as he (Panda) had been accustomed to sit with his legs straight out.

Natal Report, 34, 35. *S. N. A., Transvaal.*—Has no remarks to make on either of these paragraphs. O. Nos. 25, 26.

Natal Report, 36.—Upon this the King was informed by the Commission that the message he had sent by Umbemba, to the effect "that the land is broken in pieces" on account of the land cession claimed by the Boers, had been duly forwarded to Pretorius, the President, and that he had now sent a Commission to remove any misunderstanding, "if there were any," which was scarcely conceivable, because both Cetywayo and Panda had agreed to such land cession, and the President himself had, with the O. No 27.

members of the Executive Council, come down and fixed the line in concurrence with the representatives of Panda and Cetywayo, and had then and there erected beacons, after which a number of cattle were sent to Panda and Cetywayo. What then (say the Commission) causes this question of setting back the boundary to arise?

The King replied, repeat! repeat! that the land has been formally ceded and signed for by Cetywayo.

S. N. A., Transvaal, 36.—I see the Natal Commission quote Panda's words, or rather what purports in the translation given them to be his words. A reference to the Dutch in which the message was taken down will show that the translation is incorrect. The Dutch is "Herhaal tog weder de van de grond vroeger door Ketchwaai afgegeven en "geteekend," which translated is "Pray," or "Please, repeat that about the land earlier "given off and signed by Cetywayo."

O. No. 28. *Natal Report*, 37.—The whole matter of the land cession was then explained by the Commission to the King, adding that the Boers *had paid for the land with* 25 *head of cattle*, and also that the King had confirmed such land cession; upon which Panda cried out, "I do not know of it. This is the first time I have heard of it." His captains also denied that Cetywayo had signed and ceded away land.

S. N. A., Transvaal, 37.—Mr. Smuts says, page 60, that nothing was said about the cattle until after the cession of land was agreed to and settled. A reference to the document does not show that Panda "cried out, but that he said in reply" "I do not know," &c. neither are the captains reported to have said anything about signing and ceding away land, what they did was to deny the signing of any document by Cetywayo, though admitting that land was spoken of on the occasion.

O. Nos. 29, 30. *Natal Report*, 38, 39.—*S. N. A., Transvaal.*—Has no remarks to make on either of these paragraphs.

O. No. 31. *Natal Report*, 40.—Panda denied all knowledge of this, but Massipula, the Commander-in-Chief, said, "Yes, Cetywayo has complained." The meeting then adjourned until the 17th, when the Commission having asked why a Zulu force was at the Pivana River? was informed by Panda that it was without his knowledge, and he there and then ordered out a force to attack and kill those who were disturbing the Boers.

S. N. A., Transvaal, 40.—This Zulu force was on the Pivana River, above the Jogt Pad, and was therefore complained of when Panda disowned all knowledge of it and at once sent to have it punished for disturbing the Boers. This surely admits the Jogt Pad line as then known.

O. Nos. 32–40. *Natal Report*, 41 *to* 49.—*S. N. A., Transvaal.*—Has no remarks to offer on the above paragraphs. They describe the proceedings of the Commission of June 1865, August 1866, and February 1870.

O. No. 41. *Natal Report*, 50.— Upon the occasion of their visit to Umpanda the Zulu King appointed one of their number, Mr. C. F. Meyer, as his consul and agent in the South African Republic.

S. N. A. Transvaal, 50.—Mr. Meyer has explained (page 94) that his appointment was not that of Zulu consul or agent in the general acceptation of that word, but simply that he was to be the only recognised medium of communication.

O. No. 42. *Natal Report*, 51.—This Commission, upon their arrival at the kraal of Umpanda in Zululand, on the 11th February 1870, found him sick in bed.

They were, however, admitted to see him, and appear to have told him the purpose of their visit, inquiring at the time for Cetywayo, and being informed by Panda that he was absent, and at some distance.

The Commission informed Panda that they wished to know why some cattle had been returned by him to the Boers? To which Panda rejoins by asking where is the letter from the Governor of Natal, as he has not yet received an answer to his message.

S. N. A., Transvaal, 51.—This was only a preliminary meeting, as is plainly shown by Article 2, in which the Commission state that they hope to see both Panda and Cetywayo next day; to which Panda replies, Article 3, that Cetywayo was away, and that it would take ten days to fetch him. Article 4, the Commission tell Panda that they wished to know why he had returned certain cattle. Article 5, acknowledges a beast given to the Commission to kill. Article 6, Panda asks where the letter of the Governor of Natal is, and states that he has not as yet received an answer. This is simply a statement and not in answer to any question.

The Commission then adjourned.

O. No. 42 *Natal Report*, 52.—On the following day the Commission took Panda and his captains to task for requesting the Governor of Natal to intervene between the Zulus and the

Boers on the boundary question, the President of the South African Republic having received a communication to that effect from the Governor of Natal some six or seven months previously.

S. N. A., Transvaal, 52.—This Commission does not appear to me to have taken Panda "to task." They questioned him as to his reason for sending to Natal without first having, if he had cause of complaint, sent to their Government.

Natal Report, 53.—Panda said in reply that he had asked for arbitration because certain of his people had been ordered by the Boers either to pay taxes or to leave their kraals, further adding that he had sent to the Transvaal Government, through his agent, Mr. C. F. Meyer, but had received no reply. O. No. 42.

S. N. A., Transvaal, 53.—Panda repeatedly denies sending for the Governor of Natal to arbitrate, and says that he merely reported to him that certain Zulus living amongst the Boers were now called upon to pay taxes or leave.

Natal Report, 54.—The Commission inform Panda that the Boers do not want the Governor of Natal as arbitrator, upon which Panda and his captains say they want him to come and see "who is wrong, and who is right." O. No 43.

The Commission inform Panda that if any of his people living in Transvaal territory have been made to pay taxes it was wrong, and such "should not happen again;" to which Panda replied, "I am fully satisfied, and now there is no more question."

S. N. A., Transvaal, 54.—The Commission told Panda, by Mr. Pretorius' direction, that they did not care if the Governor came, but that they did not see the necessity for an arbitrator, and they proceed to ask Panda whether he will pay the costs if wrong. To which Panda replied that he could only call in a third party if he disputed the line, which he did not. Panda and his captains, Article 23, "repeated anew that they totally "deny having called in the Governor as arbiter, but that they had merely sent him "a verbal notice that they would have to pay taxes, and Panda thinks it possible "that the Governor might come of his own accord to see who is wrong and who is "right."

Natal Report, 55, 56, 57, 58. *S. N. A., Transvaal.*—Has no remarks to offer on any of these paragraphs. O. Nos. 44–47.

Natal Report, 59.—On the 25th May 1875, the Acting President of the South African Republic proclaimed the boundary line between the South African Republic and the Zulus as that beaconed off in 1864, with the addition of a triangular tract of land lying between the Pongolo Poort, Zemgenis Nek, and where the 1864 line originally is said to have crossed the Pongolo River. O. No. 48.

S. N. A., Transvaal, 59.—With regard to this proclamation the Transvaal Commission informed the Natal Commission that the line from Zemgeni's Neck to the Pongolo Poort, which makes the triangle alluded to, was an error, and that the line claimed by the Transvaal was that beaconed off in 1864; his Excellency the Administrator had also previously informed his Excellency the Lieutenant-Governor of Natal of this error. The line ceded in 1861 and beaconed off in 1864 was never said to have originally crossed the Pongolo River at the Poort.

Natal Report, 60.—On the 22nd December 1877, Mr. W. W. Pretorius, late President of the South African Republic, made a declaration on oath before the Landdrost of Utrecht as to the events which had taken place during the time he had been in office, from 1856 to 1859, and from 1863 to 1871, which generally corroborates the reports of the various Commissions. O. No. 48.

S. N. A., Transvaal, 60.—The Natal Commission here state that Mr. Pretorius' declaration "generally corroborates the reports of the various Commissions," yet in paragragh 103 they state that he "has evidently forgotten or misrepresented the contents of "these reports," because he attaches importance to the success of the missions.

Natal Report, 61, 62. *S. N. A., Transvaal.*—These two paragraphs are devoted to describing a message sent to Cetywayo by his Excellency the Administrator, by Nongamulana, and Cetywayo's reply. The whole message was handed in, but the only part put in evidence was Cetywayo's reply regarding the boundary, commencing at the words, "Cetywayo said that he thought that he had given a reasonable answer," &c., down to the words, "the dispute was regarding the waggon road." O. Nos. 49, 50.

The Natal Commission state, I observe, that Cetywayo told Nongamulana that he had given "most" stringent orders to the force sent to Luneberg against any damage being committed. A reference to the message will show that the word "most" is not used.

O. No. 51. *Natal Report*, 63.—Having brought the history of the stated land cession of 1861 down to the present time as represented by the Government of the Transvaal, your Commissioners, having examined into the evidence brought forward, consider that in 1860 the appointment of a Land Commission to endeavour to arrange an eastern boundary line with the Zulus plainly showed that such line had hitherto been undefined, as may be seen on reference to documents Nos. XV. and XVI., which purport to define the boundaries of the land ceded to certain Boers by Panda in 1854. The Commission being also charged to instal Cetywayo as King, if they found that he and the Zulu people desired it, and under any circumstances to obtain land, it may reasonably be assumed that the aforesaid Commission were to endeavour, if possible, to bribe Cetywayo with the bait of a kingdom, and in return obtain a land cession, or if they failed to obtain it by other means, each member receiving a farm for his exertions in such ceded territory.

S. N. A., Transvaal, 63.—The instructions of 1860 do not in my opinion raise any question or throw any doubt upon the position of the line. On the contrary, the Commissioners are ordered to erect beacons along the line ceded in 1854, so as clearly to define it. There are no grounds for the assumption that the Commission were, if other means failed, to try and obtain land by "bribing Cetywayo with the bait of a kingdom."

O. No. 52. *Natal Report*, 64.—The next document put forward by the Transvaal Government (No. IX.), purporting, with other matter, to give an account of a meeting between Sir T. Shepstone, the Secretary for Native Affairs of Natal, Panda, the Zulu King, and Cetywayo, is plainly a fabrication, because Sir T. Shepstone did not arrive at Nodwengu from Natal to meet Panda and Cetywayo until the *9th May* 1861, whereas the Transvaal document is dated the 16th March of that year. The writer of the document, Mr. D. A. Sandbrink, who does not understand Zulu, states that he wrote it down under the instruction of Mr. N. Smuts, the Landdrost, and names Mr. J. H. Combrink as one present who could talk Zulu well.

Your Excellency's Commissioners tested Mr. J. H. Combrink's knowledge when at Rorke's Drift, and found that he was incompetent as an interpreter.

All those persons who were present when the message was delivered at Waaihock, on the 16th March 1861, deny or state that they have forgotten that the message made any allusion to the meeting between Sir T. Shepstone and the Zulus in Zululand, or to the offensive and defensive treaty between the Boers and Zulus, and this document contains the following statement:—"Panda sent his captains to call Shepstone, and when "Shepstone came, Panda called and commanded all his captains to take Shepstone's "hand and unite with them. Whereupon the captains said 'No; we shall call "'Cetywayo.' Cetywayo was called, and he came and said, 'No; Shepstone must go "'through, we don't know that Englishman. Pretorius and the Boers made Panda "'King of Zululand; if Panda wants to go to the English, let him go; but we will join "'ourselves on the side of the Boers.'" Panda then kept silent, and Cetywayo with "all the captains did thereupon tell Shepstone that when the English cross the Tugela "they will fight with them; he will never go to Port Natal to the English, but follow "the track which Panda formerly went, to the Boers, and if the Boers should require "him to fight he will come and assist them, and whenever he requires assistance he will "apply to the Boers for help. He will do as he is bid by the people here; if the people "ask him for ground he will give it."

S. N. A. Transvaal, 64.—This document (No. IX.), was knowingly put in by the Transvaal Commission, as they thought it better to give the whole document than to give an extract. No questions were asked by the Natal Commission as to the probable cause of the discrepancy in the dates, and I do not therefore think that they are justified in styling it "plainly a fabrication."

Gebula, the Zulu delegate, himself admits that he was sent up to Utrecht about the flight of Panda's two sons; and there is the sworn evidence of the Dutch and native witnesses that a message was received. The main object of this message was not, as assumed by the Natal Commission, to report a certain alleged interview between Sir T. Shepstone, Panda, and Cetywayo, but was an attempt on Cetywayo's part to sound the Boers as to the probability of their being willing to give up Panda's two sons, his brothers, who had fled to them, and he held out a promise or offer of more land.

The reference to Sir T. Shepstone, has, I think, been misunderstood by the recipients of the message, owing to the bad interpretation alluded to by the Natal Commission. At that time Sir T. Shepstone had been sent for by both Panda and Cetywayo to come and endeavour to settle the succession; it was known that he would shortly arrive there,

and Cetywayo wished to justify himself with the Boers by giving his account of what had been done, and telling them what he proposed doing when Sir T. Shepstone arrived. The interpreter has evidently interpreted this as an account of an interview which had already occurred, instead of what Cetywayo said he would say and do.

Natal Report, 65. — The negociations of the 21st March 1861, document (IV.), entered into between the delegated Commissioners of the South African Republic and the Zulus designate Cetywayo "King of the Zulu nation," although at that time the Commissioners of the South African Republic well knew that Umpanda was King of the Zulus, and was still alive; and on the 29th March they, in company with Sirayo, a frontier Chief, and Gebula, a *Zulu messenger*, view the country, arrange the boundary line, and obtain the signatures of these two Zulu plenipotentiaries to the cession, the whole being stated to have been confirmed by Cetywayo on the 3rd April, after he had received his refugee brothers, the Captains Dengezi and Umkunga, from the Boers. O. No. 53.

Sirayo and Gebula both admit signing *one* paper on the 1st April at Waaihock, agreeing to respect the lives of the fugitives when given up, and as one of them, Sirayo, says in evidence, "they are safe to this day."

S. N. A., Transvaal, 65.—In accordance with the arrangement made on March 28, 1861, Sirayo and Gebula were sent to agree to and point out the boundaries of the land promised on the previous day.

When they reached the Nyutu Range, the Dutch Commission told them that the line offered by Cetywayo to C. van Rooyen ran from the Buffalo River along that range, and on through the Isekala Sengonyama. We have then a long account given in the evidence of the argument which took place regarding this boundary, which was strongly objected to, and resulted in the Zulu representatives gaining their point. And the boundaries of the land ceded were "handed over" by the Zulu plenipotentiaries that day, as defined in the document which was written there on the ground, and duly signed, the Commissioners swear, by both Zulus and themselves.

The Zulus deny signing, but, after much prevarication, admitted that a document was written there. From Mr. Gallwey's cross-examination of Gebula it appears that the signing of this document was reported shortly after to Natal.

Natal Report, 66.—The signature of Cetywayo and three (3) of his captains on the 3rd April are unwitnessed by Zulus, and there is no record that the paper they are stated to have signed was ever read over and explained to them. O. No. 53.

S. N. A., Transvaal, 66.—Mr. P. M. Jordaan, who took this document down for the ratification and signature of Cetywayo, swears that it was read over and explained to him before he or his three brothers signed it. This was in accordance with the agreement he made with C. van Rooyen that he would sign the cession after the fugitives were given up.

Natal Report, 67.—It is further noted that the words "Op den 3rd April 1861, goed "gekend en onderteekent door Ketchwaay en drie zijner kapeteins" (on the 3rd April 1861 approved and undersigned by Cetywayo and three of his captains) inserted just above Cetywayo's signature, are written in a different ink and hand to the signatures of Cetywayo, Oham, Seweda, and Siteku, and were not in the document when signed by them, and are admitted to have been subsequently inserted by Seheffers, who on the 3rd of April was in Utrecht, about 60 miles off. O. No. 54.

S. N. A., Transvaal, 67.—This has not been admitted by the Transvaal Commission; the evidence on the point is very conflicting. Mr. Smuts swears that the words are in the handwriting of his brother G. M. Smuts, who was present.

Natal Report, 68.—The two so-called plenipotentiaries, Gebula and Sirayo, both declare that they were sent up by Cetywayo to see what land the Boers wanted, which they had described as occupied by some Zulu refugees who desired to come under their rule, and *not* in any way to mark the boundaries of the land cession. O. No. 54.

S. N. A., Transvaal, 68.—Sirayo, one of the border Chiefs, and Gebula were sent to point out and agree to the boundary, subject to Cetywayo's approval; all their acts go to prove this, and numerous witnesses swear it. Yet the Natal Commissioners appear, not only here but right through their report, to prefer the unsupported statements of the Zulus to all the sworn evidence of both white and black witnesses produced by the Transvaal Commission.

Natal Report, 69.—Mundulu, a Chief, also states that he was present at the Ingwazine Kraal upon the occasion when Cetywayo was asked for land by the Boers in return for giving up his brothers and Dengezi in 1861, but heard Cetywayo say Panda was the owner of the land, and refused to give any. O. No. 54.

S. N. A., Transvaal, 69.—Mundulu is not, and never was, a Chief; he is now only an ordinary induna of the Nodwengu Kraal of no high rank.

O. No. 55. *Natal Report*, 70.—This document was submitted to and treated by your Commissioners as an original one, until Mr. P. Uys handed in document VIII., dated 17th March 1878, which declares that this document is a copy of that prepared by Mr. Sandbrink on the 28th and 29th March 1861, and stated to have been signed on Ngutu Range on the 29th March by Sirayo, Gebula, and Assagai, as also by the Commission and Sandbrink himself.

S. N. A., Transvaal, 70.—Directly the Transvaal Commission became aware of this the Natal Commission was also informed.

The document was put in on the 15th at mid-day, and Mr. Uys' statement correcting the evidence the first thing on the morning of the 17th. This document is original as regards its signature by Cetywayo.

O. No. 55. *Natal Report*, 71.—Mr. D. A. Sandbrink states in evidence that he took notes on the 28th and 29th March in pencil from information given him by Mr. T. Potgieter as interpreter, and only took notes of such matter as he thought essential for his own information, and did not take down all that occurred.

He wrote these notes over in ink on the 29th, and considered the whole an incomplete document.

S. N. A., Transvaal, 71.—Mr. Sandbrink states that he took the notes of the 28th in pencil, and afterwards wrote them in ink. On the 29th he took down what occurred in ink, writing on the top of a hat on the Ngutu Range. He does not state that he only took down what he considered essential for his own information, or that he did not take down all that occurred. There is nothing in the evidence to show that he considered the document "incomplete."

O. No. 55 *Natal Report*, 72.—(Your Commissioners desire here to notice that in the evidence of Mr. P. L. Uys, one of the Transvaal delegates, it is stated that Mr. T. Potgieter cannot speak the Zulu language well.)

S. N. A., Transvaal, 72.—The Natal Commissioners ignore the fact that Mr. Uys, who gave his evidence fluently in Zulu, swears he was present and assisted in the interpretation.

O. No. 56. *Natal Report*, 73.—Your Commissioners desire to place on record that they believe the intention of Cetywayo in appointing Sirayo and Gebula was that they should see and describe to him the land the Boers desired to possess in return for the surrender of the fugitives of the Royal Family, and that document IV. did no more than place on record the fact of the land having been pointed out to them (Sirayo and Gebula) by the Boers, so to be communicated to Cetywayo and the President of the South African Republic.

S. N. A., Transvaal, 73.—The intention of Cetywayo was that Sirayo and Gebula should point out the boundaries of the land he had promised to the Boers, subject to his approval, and they did so, and reported to him, and on the 3rd of April 1861 he ratified what they had done, and signed the cession. The Boer Commission had full power to act without reporting.

O. No. 57. *Natal Report*, 74.—There is no doubt Sirayo and Gebula did sign a document V. at Waaihock on the 1st April, which they believed did guarantee the safety of the two sons of Panda, Dengezi and Umkungu, who were then given up by the Boers to Cetywayo, being escorted to the Blood River by P. W. Jordaan, G. M. Smuts, and S. F. du Plessis, who then went on to Ingazine Kraal, and witnessed the signatures of Cetywayo, Hamu (Oham), Usuevetu, and Seteku on the 3rd April 1861, in addition to that said to have been signed by them, as having been shown land that Boers desired to obtain from the Zulus.

S. N. A., Transvaal, 74.—It is not disputed that the minutes of the meeting of 1st April were signed by the Zulu plenipotentiaries as guaranteeing simply the safety of the fugitives. This had to be done before they would give them up. The document taken by Jordaan was the one of the 28th and 29th March signed by these Zulu plenipotentiaries, describing the land ceded, which had to be ratified by Cetywayo after the fugitives were given up. This he did on the 3rd April by signing the document, together with his three brothers. This has all been sworn to.

O. No. 58. *Natal Report*, 75.—The ratification of the cession, said to have been made by Cetywayo in 1861, by Umpanda on the 5th August of the same year, is a document (VI.) of importance, and it is shown in evidence that its contents were interpreted by T. Potgieter to Umpanda, and your Commissioners find by evidence that Potgieter was unable to convey in the Zulu language the correct meaning of any document, as he did not speak the language well.

S. N. A., Transvaal, 75.—Mr. Van Staden, who on being tested as to his proficiency as a Zulu interpreter acquitted himself very fairly, swears that he assisted Mr. Potgieter.

Natal Report, 76.—This document (VI., 5th August 1861) purports to be a certificate from Umpanda the Zulu king, granted to the Boers in consequence of Cetywayo having no power to give the land asserted by the Boers to have been given to them on the 28th and 29th March, and confirmed by Cetywayo on the 3rd April. O. No. 58

S. N. A., Transvaal, 76.—It does not "purport" but *is* a certificate from Panda ratifying Cetywayo's cession of 3rd April 1861.

Natal Report, 77.—*He, Panda, gave the same land as far as his captains would point it out.* O. No. 58.

S. N. A., Transvaal, 77.—This refers to the arrangement made with Mr. Pretorius that the line was not to be beaconed off till he could be present, when Panda was to send up his captains to assist.

Natal Report, 78.—This certificate seems to have been given by Panda when he was deposed, and the promise was given to induce the Boers to assist him against the descendants of Dingaan, Cetywayo and his supporters. O. No. 58.

S. N. A., Transvaal, 78.—Panda never was deposed. There is nothing to show that he made the promise in order to induce the Boers to assist him against Cetywayo.

At that time the succession had been agreed upon and settled by Panda and the Zulu nation in the presence of Sir T. Shepstone, so that there was no cause to ask for assistance.

Natal Report, 79.—Your Commissioners desire to point out, and beg to call your Excellency's attention to the fact, that when the beacons or landmarks were erected in 1864, they were, it is stated, put up under the directions of Gebula and Gunjini, two (2) Zulu messengers, persons of no importance in the country, on land the property of the border clans, and in the absence of any representatives of those clans, and even of spectators from the neighbouring kraals, whose land was then being given away; and, further, that it appears, by the evidence of Mr. Sandbrink, that the beacons were erected by an armed patrol of the Boers, which he attended, not as a witness, but with his gun, at the request of the Landdrost, so that if anything should happen he might be ready to use it. O. No. 59.

S. N. A., Transvaal, 79.—Gebula and Gunjini are not men of any rank in the Zulu country. They were recognised Zulu messengers, and there is no doubt that they were ordered to go up, in the presence of Masipula and Tshingwayo, two indunas of the highest rank, to represent Panda and Cetywayo at the erection of the beacons. The cession of the land was then well known; nearly all the border Chiefs were present at Ingwazini in 1861. These two Zulu representatives had orders to warn all the natives living on the Transvaal side to move, and did so. See Gebula's own admission. Zulus were seen passing backwards and forwards on their usual avocations, but they did not think it necessary to ask any questions. The Boers were also hospitably treated by the natives, and at Seketwayo's, one of the principal border Chiefs, they were given cattle to kill and beer to drink. Gunjini states that he regarded Seketwayo's doing this as a "proof " that the making of the beacons was a known and authorised fact."

Mr. Sandbrink's evidence does not show that the beacons were erected by an armed patrol; the general tenor of his evidence shows that the Zulus acted independently. Gebula states that " Had he been afraid he would not have gone." Gunjini swears that they were "free agents to go and come as they pleased."

Sandbrink states that many were carrying guns; that there were generally about 30, sometimes more and sometimes less, and this is fully borne out by the evidence of other witnesses.

Natal Report, 80.—Your Commissioners believe that Gebula and Gunjini did attend the Boers in 1864, at the desire of Panda, to ascertain what land was required by the Boers, or to ascertain what land had been originally pointed out to the Boers by the messengers sent by Cetywayo in 1861, but it is nowhere shown in evidence, either documentary or oral, that Umpanda, the king of the country, ever knew of the existence of an actual boundary line in the locality where it is stated by the Government of the Transvaal to have existed. O. No. 59.

S. N. A., Transvaal, 80.—Gebula and Gunjini were sent up to help in the erection of the beacons; Gebula already knew the line as he had pointed it out in 1861, which was the reason of his being again sent. Gunjini was also concerned in the 1861 cession. It can reasonably be presumed that Panda would not have signed without asking what the land was, and there is also his meeting with Mr. Pretorius, when it must all have been

explained. It is also distinctly stated by the subsequent commissions that the line was explained.

O. No. 59. *Natal Report*, 81.—And it is further noticed that Pretorius did then (1864) alter the boundary line stated to have been given by Cetywayo in 1861.

S. N. A., Transvaal, 81.—This is incorrect; the request to alter the line was only made by letter, dated 7th July 1865. This was consented to, and the President himself went down, in 1868 Mr. Henderson thinks, and altered the line as described by him, Mr. Henderson and Sturman.

O. No. 60. *Natal Report*, 82.—Your Commissioners consider that this fact stamps at once the whole arrangement with grave suspicion, as it is simply impossible, under Zulu customs, that this large tract of border should have been taken from the clans without the full knowledge and sanction of the Chiefs, who one and all most emphatically deny that one rood of land was ever alienated from them.

O. No. 61. *S. N. A., Transvaal*, 82.—Having shown the fact to be incorrect, the conclusion based on it by the Natal Commission must be untenable.

Natal Report, 83.—It is further stated that the messengers ordered the border people to move to the Zulu side of the line, and this without the intervention of their Chiefs, which under the tribal system is an impossibility.

S. N. A., Transvaal, 83.—It was proved in evidence, and the Zulus would have had to move but for the consideration of Mr. Pretorius, who represented the hardship it would be for them to move while their crops were on the ground.

O. No. 62. *Natal Report*, 84.—The evidence shows that this so-called "disputed territory" has never been occupied by the Boers, but has always been inhabited by the border clans, who have never moved their kraals, and that the only use ever made of the land by the Boers has been for grazing purposes, which in itself proves nothing, as in the knowledge of your Commissioners cattle of British subjects living on the borders of Natal are frequently pastured in Zululand, with the consent of the Chief of the clan or district, and yet this has never been considered as giving a claim, a right, or a title to the land.

S. N. A., Transvaal, 84.—The "disputed territory," that is, the strip of country between the Blood River and the old Jogt Pad on the north-west and the beaconed line of 1864 on the south-east, has not been occupied by the Boers, but has always been claimed by them for grazing purposes without reference to the Chief of the clan or district, and without any payment.

O. No. 63. *Natal Report*, 85.—It is submitted in evidence that the authorities of the South African Republic exercised no jurisdiction over the "disputed territory" and collected no tribute from its occupants, which in itself shows that they could in no way regard them as subjects, or if they did they were afraid so to treat them, knowing full well that the Zulus, having never acknowledged the claimed line, would resist, and so feared to provoke a collision with the Zulu nation.

Indeed, it would appear from evidence that jurisdiction has never been exercised over any Zulus living in the Utrecht district to the north-west of the Blood River, which in itself is an admission showing the tenderness of the land title of this stated cession of 1854.

S. N. A., Transvaal, 85.—The Transvaal Commission never asserted that any jurisdiction had been exercised over the "disputed territory," *i.e.*, the strip of country between the Blood River and the old Jogt Pad on the north-west and the line beaconed off in 1864, nor that taxes were ever collected or even attempted to be collected in it.

The line of 1864 was acknowledged by the Zulus up to the time of Umtonga's second flight, when, having no longer the *quid pro quo*, they disowned, by Cetywayo's orders, the cession of land, and threw down the beacons.

No Zulu subjects ever resided to the north-west of the Blood River, and, therefore, no jurisdiction could have been exercised over such.

There were numbers of Zulu people who had fled from the Zulu country since the cession of 1854 who were living and are still living to the north-west of the Blood River; but these cannot be the people alluded to by the Natal Commission, as full jurisdiction has been exercised over them and taxes paid by them ever since their flight from the Zulu country. Mapatshana, alluded to by the Natal Commission, is one of these refugees.

O. No. 64. The Zulu subjects over whom no jurisdiction has been exercised are those of about 10 kraals living between the Blood River and the old Jogt Pad boundary.

Natal Report, 86.—There is little doubt but that cattle lifting on both sides prevailed between the Boers and the Zulus, and that there was not much order kept by the Government of the South African Republic on the Zulu border.

S. N. A., Transvaal, 86.—There is no evidence which will in any way support this statement.

Natal Report, 87.—Upon one occasion a Zulu having been wantonly shot by a small party of Boers on the farm of one Bester, the matter was allowed to drop by the Government of the South African Republic (the Boer who actually killed him being held to bail to appear when wanted), because the Zulus did not send in to complain of the death of their man. This the Zulus state they did, and they sent to Mr. C. F. Meyer, the Field Cornet of the Ward where the man was shot, who was also the Zulu Consul as agreed between the Government of the South African Republic and Umpanda, the Zulu King. O. No. 64.

S. N. A., Transvaal, 87.—The facts of the case of the Zulu said by the Natal Commission to have been "wantonly shot" appear from the evidence to be shortly as follows:—

A Mr. Bester, a farmer living on the border, had a quarrel with one Sigamana, who had refused to help pull a cow of Bester's out of the mud.

Mr. Bester gave the Zulu a flogging with a sjambok, and he, on getting away, said he would return with an armed party next morning and do harm to the children. Mr. Bester reported this threat to the Field Cornet, C. F. Meyer, who next morning went to Mr. Bester's house with 10 armed men. The Zulus in some number came, as had been threatened, but, seeing the armed Boers, would not come to the house to talk over their grievance, though asked to do so, but occupied the koppies, three or four going to the spruit at the bottom of the land to talk, but would not go up to the house. The Field Cornet then ordered these men to be brought up, and upon the mounted Boers going to obey the order the Zulus fled. One of them, Kunjana, was turned, and as he was lifting his assagai to stab P. Bester he was shot by Hans Robert. So that it appears if the Zulu had not threatened the life of the Boer he would not have been killed. The body was taken away by the Zulus at the time. This, though a very unfortunate occurrence, cannot be called a "wanton" act.

The Government did not allow the matter to drop, the law was strictly followed. Roberts was apprehended, and the Zulus sent to for witnesses, and informed that they must appear within six months or the charge would lapse. No one was sent up by the Zulus, and Roberts was released at the end of the six months.

Mr. Meyer's appointment was not that of Zulu Consul in the sense of representing the Zulu King in the South African Republic, but he was to be the only recognised medium of communication between the Zulu King and the South African Republic.

Natal Report, 88.—Upon another occasion, a Field Cornet, on his own authority and without orders from his superior officer the Landdrost, attacked the fastness of a noted refugee from the Swazi country, Umbelini by name, who was living on the border under the Zulu King, Cetywayo, in revenge for a raid made by him on some natives living on a Boer farm on the left bank of the Pongolo River, and besieged him in his retreat without success for some days, Umbeline escaping in safety. O. No. 64.

S. N. A., Transvaal, 88.—This Field Cornet belonged to the M. W. Stroom district. Umbelini had attacked some of the natives living in that district, killed 36 of them, and carried off a number of cattle.

This was a matter in another district, and entirely unconnected with the Zulu border question.

Natal Report, 89.—These instances (which might be multiplied) are given to show what little order was kept in this border country, and in territory claimed by the white man, and never acknowledged by the blacks. O. No. 64.

S. N. A., Transvaal, 89.—Such instances, the Commission state, "might be multiplied." There was no evidence before the Commission which would support this statement.

Natal Report, 90.—Your Commissioners desire to record their opinion that, had there been any land cession from the Zulus to the Government of the South African Republic the matter would have been submitted to a council of the Chiefs representing the nation, and that had it received their assent the border Chiefs would have been directed to remove their people to the Zulu side of the arranged boundary; but the evidence of all the border captains present at the conference at Rorke's Drift, and of the Zulu delegates, is entirely against this; and your Commissioners have come to the conclusion that no cession of territory has ever been made by the Zulu nation, and that even had such cession been made by either King Umpanda or after him by King Cetywayo, such would have been null and void, unless confirmed by the voice of the Chiefs and people, according to the custom of the Zulus. O. No. 65.

S. N. A., Transvaal, 90.—The Natal Commission arrives at the conclusion that there never was any land cession to the South African Republic, because there was, they state, no council of Chiefs on the subject and the border Chiefs were not directed to remove their people across the ceded line. They overlook the fact that the Zulu Government is a despotic one, and that the word of the King is law, that it rests entirely with the King whether he asks for advice or not from his indunas. In this case on every occasion on which the question was raised before Panda some of his indunas were present, and often the principal ones, who never seem to have objected to the cession except on one occasion, viz., to Mr. O'Reilly's Commission in 1866, and then Panda admitted it.

As regards the border Chiefs, most of them were present at Engwazine when Cetywayo ceded the land in 1861, and we have it in evidence that the people themselves were warned.

The Natal Commission have assumed the validity of the treaty of 1843 between Panda and the English. There is nothing so far as I am aware to show that this treaty was granted under any different circumstances to those to the Boers.

O. No. 66. *Natal Report*, 91. *S. N. A., Transvaal*, 91.—I can say nothing on this paragraph, as the messages referred to as having been continually sent to Natal since 1856 are not forwarded.

O. No. 67. *Natal Report*, 92. *S. N. A., Transvaal.*—Has no remarks to make on above paragraph.

O. No. 67. *Natal Report*, 93.—Your Excellency's Commissioners have previously alluded to the occupation, about 1848, of the Utrecht district on the eastern side of the Drakensberg Mountains and of the Buffalo River, by permission of the Zulus expressed or implied. Within that district of Utrecht the Boers laid out a site for a town, and the site for Utrecht was built upon by the Boers, and inhabited by the Boers, and the surrounding country in that district was allotted and granted to, and occupied by the Boers. But it is admitted that other portions of that territory were occupied by the Zulus, who neither then nor at any time can be considered to have been members or subjects of the Transvaal Republic.

The Transvaal Republic never exercised jurisdiction, civil, criminal, or territorial, save such voluntary jurisdiction as resident Zulus asked to have exercised over them.

S. N. A., Transvaal, 93.—The grazing permission was granted about 1848, but nothing was done towards naming the district or laying out a town until after the cession of 1854, when it was called the district of Utrecht. It has not been admitted that other portions of that territory were inhabited by Zulu subjects. It has been distinctly sworn that no Zulus were then there, and Mundulu, one of the Zulu delegates, himself admitted it. There were only a few of the people whose tribes had been driven out remaining. Any Zulu subjects who may now be within our boundary have been allowed to settle there by the Boers, and none are within the boundary laid down by the Natal Commission, that is, the Blood River to its sources. They are above the Jogt Pad line.

O. No. 67. *Natal Report*, 94.—That district was incorporated with the Transvaal Republic in 1859, and the Government of that Republic appointed landdrosts, field cornets, and such other officers as the Government were accustomed to appoint for the maintenance and preservation of peace, good government, and order within the other districts of the Republic.

S. N. A., Transvaal, 94.—The Natal Commission are in error. Up to the 6th November 1859 the district of Utrecht formed part of the Lydenburg Republic, and the landdrost and other officers were appointed by that Government early in the year 1855.

O. No. 67. *Natal Report*, 95.—This occupation of this district, this establishment of a white government within this district, well known to the Zulus, was at any rate permitted, if not sanctioned and acquiesced in by them.

S. N. A., Transvaal, 95.—The evidence of every kind produced to the Natal Commission abundantly proves that it was not only permitted but that it was known and sanctioned by them.

O. No. 68. *Natal Report*, 96.—Your Commissioners desire to note in proof of such recognition of the sovereignty of the Boers over the district, that when in 1861 Panda's two sons and the Zulu captains took refuge in Utrecht, Cetywayo, then a young and impetuous man, requiring, and with an armed force insisting upon the extradition of his brothers,

respected the territory as being Boer or foreign territory, and treated with the Boers as the owners of the territory for the surrender of his brothers.

S. N. A., Transvaal, 96.—There is also the case of Digida, who was pursued across the Blood River by Sirayo about two years before the flight of Cetywayo's two brothers, when Sirayo was made to pay a fine to the Boers for sending an army into "the white "people's land;" and in 1874 Umbiline was fined by Cetywayo on the representation of this Government that he had attacked people living at the sources of the Umkonda River, and the fine handed over to this Government.

Natal Report, 97.—And it is also to be noted that subsequently to 1861, namely, in 1873, when the question of disputed boundaries was so vehemently discussed at the Zulu coronation, the only territory at the Zulu side of the Buffalo that the Zulu nation professed to complain about, or to claim, and to request the Natal Government to occupy, was the territory marked as lying between the lines of 1854 and 1861. O. No. 69.

N. S. A., Transvaal, 97.—The territory spoken of by Cetywayo in 1873 to Sir T. Shepstone was that lying between the beacon line of 1864 and the Blood River, to where the old Jogt Pad crosses it, thence along the old Jogt Pad to the Pongolo River. The evidence of Mr. H. W. Taylor and Manyosi, who were sent up by Sir T. Shepstone in 1873, at Cetywayo's request, and also that of the three Zulus sent with them to point out the line proves this.

Natal Report, 98.—Your Excellency's Commissioners have evidence before them that, in 1877, the Zulu King restricted this claim, now put forward by him, to land on the eastern side of the Blood River bounded, as defined in the land cession of 1854 and the proclamation of 1859. Your Commissioners do not consider that the non-exercise of jurisdiction, civil or criminal, over some four hundred (400) Zulus living in Utrecht territory disentitles the Transvaal Government to be deemed the owners of this territory, or that this territory should not be considered as part of the Transvaal Republic. O. No. 69.

At the same time your Excellency's Commissioners submit, that some compensation should be given to the Zulus inhabiting that district, if they surrender the lands occupied by them and return to Zululand, or that they should be permitted to become British subjects and continue to occupy the land.

S. N. A., Transvaal, 98.—The claim made by the indunas in 1877, as representing the whole Zulu people, was that their boundary was the Buffalo River to its sources, and thence northwards along the watershed.

On a reference to the Zulu King, he, without any consultation with the Zulu Chiefs or people, restricted this claim to the Blood River to its sources, and thence to Magidela's Neck, and thence along the watershed northwards. This boundary can in no way be brought to agree with that in the cession of 1854 and the proclamation of 1859.

There are no Zulu subjects, *i.e.*, Zulus over whom this Government does not exercise jurisdiction, living to the westward of the Blood River.

There are Zulus living there, but they are, and always have been, in the fullest sense of the word, Transvaal subjects.

The Zulu subjects alluded to by the Natal Commission as living within the Utrecht territory are living between the old Jogt Pad line and the Blood River. They knowingly crossed the old Jogt Pad boundary, and were tacitly allowed to do so, but never disputed it as the boundary of this Republic until 1876, when the unauthorised attempt was made to collect taxes from them in direct opposition to the promise of Mr. Kruger's Commission to Panda in 1870.

The Natal Commission do not consider that the non-exercise of jurisdiction over these Zulu subjects disentitles the Transvaal Government to be deemed the owners of this territory, or that this territory should not be considered as part of the Transvaal Republic; yet, notwithstanding this opinion, the Natal Commission fix on the Blood River to its principal source as the boundary, in preference to the old Jogt Pad line, just inside of which these Zulu subjects, over whom no jurisdiction has been exercised, live.

These Zulu subjects can have no claim to compensation, they knew when they crossed the Jogt Pad that they were leaving the Zulu country.

They have enjoyed all the privileges of living in the Republic without any restraint or jurisdiction being exercised over them by the Government, at the same time they were Zulu subjects without the disadvantages of living in Zululand; they can only be considered as unauthorised squatters.

Natal Report, 99.—Your Excellency's Commissioners remark that great stress was laid by the Zulu delegates on the fact that the Zulu King had no right or authority as King, without the consent of the Zulu people, to cede any part of the Zulu territory to any foreign State or private individual. O. No. 69*a*.

Your Commissioners acknowledge this principle. The King is trustee for the Zulu nation, but as regards the Utrecht territory (bounded as defined in 1854 and 1859) the Zulu nation have acquiesced in and sanctioned the possession and occupation of this territory by the Boers, and their objection founded on this argument should be disallowed.

S. N. A., Transvaal, 99.—I cannot allow this assertion to pass unchallenged. The Zulu delegates, in their statements, never alluded to the "fact" (assumed by the Natal Commissioners) "that the King had no right or authority as King, without the sanction of "the Zulu people, to cede any portion of territory." Mundulu and Gebula do not allude to it, nor does Sirayo, until the "fact" was suggested to him by the question of Mr. J. W. Shepstone in cross-examination, page 65, and he then seizes upon the suggestion and lays it down as a fact, which is, it appears, taken for granted by the Natal Commission.

O. No. 70. *Natal Report*, 100.—The land lying between the lines of 1854 and 1861 is claimed by the Transvaal Government as a reward for the rendition of Cetywayo's fugitive brothers, the Zulu captains, and the cattle returned to the Zulus, some 4,000 head.

The Boers sought to establish their sovereignty over this land, said to be ceded to them in 1861, by attempting to occupy the same, but their occupation was simply by grazing, and never by the erection of homesteads or cultivating the land to any extent.

S. N. A., Transvaal, 100.—The land between the lines of 1854 and 1861 is claimed by the Transvaal as a recognition and acknowledgment of services rendered to the Zulus. The Boers have always claimed this land, but have never been able to occupy and exercise jurisdiction in it, because the Zulus early in 1865, soon after Cetywayo's brother, Umtonga, had again fled, this time to Natal, threw down the beacons erected in 1864, and denied any cession.

O. No. 70. *Natal Report*, 101.—Then in 1861 the Zulu nation protested to the Natal Government against this encroachment of territory, and assumption of territory.

S. N. A., Transvaal, 101.—The message sent in 1861 does not protest against the land ceded in that year, but against a cession of land down the Tugela to the coast, including St. Lucia Bay, which would cut the Zulus off from Natal. Such a cession has not been claimed by the Boers.

O. No. 70. *Natal Report*, 102.—And this encroachment of territory formed the subject of several Commissions from the Boers in the Transvaal Republic to the Zulu King and people.

S. N. A., Transvaal, 102.—These Commissions were not sent down about the land alluded to in the Zulu message, but relative to the cession of 1861, which the Zulus repudiated after Umtonga's second flight.

O. No. 70. *Natal Report*, 103.—The late President of the Republic, Mr. Pretorius, attaches great importance to the success of these missions. See his Minute, put in evidence, sworn at Utrecht, 22nd December 1877.

Mr. Pretorius has evidently forgotten or misrepresented the contents of these reports.

S. N. A., Transvaal, 103.—In paragraph 60 the Natal Commission mention that Mr. Pretorius's statement "generally corroborates" the Reports of the Commissions.

O. No. 70. *Natal Report*, 104.—These Reports detail, as has been already stated, how futile the endeavours of these Commissioners to obtain any satisfactory, or any recognition at all, of any occupation by the Boers, or of any abandonment by the Zulu nation, or by the Zulu people living in this territory, from 1861 to 1870, or of their acquiescence in or sanction of any occupation thereof by the Boers. The Transvaal Government has never exercised any jurisdiction, civil or criminal, nor have they ever governed any of the natives resident on the land.

They have never received taxes or land rents from the Zulu inhabitants, they have never appointed any Government officers there, and they have actually done nothing overtly to assert their right to the land.

The Zulus, since 1861, have resided thereon, and they and their descendants occupy their kraals therein and cultivate the land. Other Zulus, also not then resident, from convenience to themselves or because ordered to check Boer encroachments, have since then settled in that territory, and of course defy the Transvaal Government, and acknowledge no authority or supremacy save of the Zulu King or the Zulu nation.

They obey the commands of the Zulu nation, expressed to them through the native Chiefs; have erected their huts, planted their gardens, and grazed their cattle over the territory without let or molestation from the Transvaal Government.

Their laws and customs prevail therein; they manifest a loyalty to the Zulu King and nation, whose subjects they claim to be, whose land they profess to occupy, an

occupation tolerated by the Boers from 1861 to the present day. Recognising no governing European authority, they have remained an independent community alien to the Transvaal Government.

Influenced by the same principles and the conclusions deduced from such facts as these under which your Excellency's Commissioners have reported that the Boer settlers have obtained a dominion over the Utrecht district, as defined by the land cession of 1854, and the proclamation of 1859, they have to report that the Boers never acquired and that the Zulus never lost dominion over the land coloured lake on the accompanying sketch, and lying between the Transvaal boundary defined in the land cession of 1854 and the proclamation of 1859 and the line beaconed off by the Boers in 1864.

S. N. A., Transvaal, 104.—I think that the Commission have overlooked that in 1861, shortly after the cession by Cetywayo, Mr. Pretorius himself obtained Panda's promise to ratify the cession, and sent down J. F. Van Staden's Commission in August 1861, which obtained the ratification, and in December 1864 J. Van Staden was again sent, in accordance with previous arrangement, to ask Panda to send up his and Cetywayo's representatives to see to the beaconing off of the line, which was done. In June 1865 Mr. Van der Schiff's Commission obtained another recognition by Panda of this cession, dated 17th June 1865.

In October 1869 Gebula arrived at Utrecht, sent by Panda with 240 head of cattle to buy back the land.

Mr. Krüger's Commission in February 1870 was satisfactory as regards an acknowledgment that the line had been made.

The only Commission which is acknowledged to have failed is that of Mr. O'Reilly, in September 1866, and to this one Panda himself admitted the cession. The Natal Commission has entirely ignored the evidence of Mr. H. W. Taylor, Manyosi, and Sijulwana.

Mr. Taylor, Manyosi, and Mansele, since dead, were sent up by Sir T. Shepstone in 1873, at the request of Cetywayo, to see and report upon this disputed territory.

Mr. Taylor's evidence shows that he went along the beaconed line of 1864, accompanied by Bangambi, one of the Zulus sent up by Cetywayo to point out the line, and that Manyosi and Mansele went with the other two Zulus, Sijulwana and Bougonjwana to the upper, or 1854, line.

Manyosi's evidence shows that he was taken by the two Zulus sent with them to the old Jogt Pad, which was stated to be the boundary over which the Boers were encroaching (page 170 and page 172). He was told that the upper line was the income from its junction with the Ruffalo River, to where the old Jogt Pad crosses it below the junction of the Dudusi and Blood Rivers and along the Jogt Pad to the Pongolo River, and that the land now claimed by the Boers was between that line and the one beaconed off in 1864.

I would also mention here that I have since found a message purporting to be sent by Panda through Bemba on the 17th November 1864, just before the erection of the beacons, in which Panda says:—"Regarding the line, I have already twice sent Kandjana "and Logogaas (Mapatshana) to make the line, and the first time the Boers said to "them, 'No, this is not the boundary; you are making the line inland, which has long "'been ours;' and the second time I sent them they made the line from where the "waggon road crosses the Blood River (income) along the waggon road to the left of "Umbace's old kraal, and along the road past Seketwayo's kraal and past the lower "side of Tobo's kraal on and close above (Umqandi) Nanti's kraal, on the Bivana River, "and further up the river."

The Natal Commission, in its Report, has entirely thrown on one side the sworn evidence of all the Transvaal witnesses, and preferred the unsupported statements of the Zulu delegates, who declined to bring evidence, and merely every day satisfied themselves by declaring that they had not come to listen to such statements; that they were all untrue, and that they only came to state what their boundary was.

Mr. Gallwey, page 198, after the Zulu delegates made their last statements, in reply tells them "that they have only spoken exculpating themselves individually, and have "said nothing on behalf of the Zulu King or people." And again, at page 227, Mr. Gallwey says:—"I have a paper here said to have been signed by Cetywayo, "sworn to; the people are alive who say he did sign it. None of you say anything "about it, you know that these papers are on the table, and I am surprised you did not "bring any witnesses to deny the signing of it. There are also three other papers; you "do not bring anyone to deny these papers or their signatures."

At the end of the evidence Sintwango denies, for Cetywayo, his signing any docu-

ments, but admits in cross-examination by Mr. Gallwey that Cetywayo was asked to sign.

The Natal Commission, notwithstanding all this, arrive at the conclusion that the Boers never acquired the land.

O. No. 70. *Natal Report*, 105.—Your Commissioners deem it desirable for the purposes of this inquiry to define distinctly a boundary on the cession of 1854, and the proclamation of 1859, and they consider that the Blood River, from its junction with the Buffalo River to its main source in the Magidela Mountains, and from thence in a direct line to the round hill between the two main sources of the Pongolo River in the Drakensberg, forms a reasonable and distinct line, easily marked out, and approximating very fairly with both land cession and proclamation.

S. N. A., Transvaal, 105.—The Natal Commission here define a boundary based, they say, on the cession of 1854 and the proclamation of 1859, which cannot for a moment be sustained by the documents.

O. No. 71. *Natal Report*, 106.—Your Commission could not define with more precision than they have done the boundary line described on the cession of 1854 and the proclamation of 1859, unless they made an inspection of the lands through which the lines passed. When at Rorke's Drift, your Commissioners were minded to make an inspection, and requested the delegates on both sides to accompany them on their tour of inspection. The Zulu delegates refused to accompany your Commissioners, and the Transvaal delegate, Mr. P. L. Uys, refused to accompany us in his capacity as a delegate, assigning as his reason that it was not within the scope of his appointment as delegate, as he was appointed delegate simply in reference to the line beaconed off in 1864.

Your Commissioners, therefore, abstained from making a personal inspection of this line.

S. N., A: Transvaal, 106.—At the last sitting of the Natal Commission, the Transvaal Commission suggested an inspection of the line, but Col. Durnford said it was a point they would reserve, and proceeded to tell the Zulu delegates that the business of the Commission was over, that they could return home.—*See* Minutes, p. 244.

Next day they thought it would be advisable, and sent for the Zulu delegates, who declined to return, saying, that the only boundary they knew was the Buffalo River to its sources, that it was of no use their coming to see the Natal Commission on the subject, as they would not go, but that the Natal Commission could do as they liked about going. It is true that Mr. Uys objected, but he would have gone, as he states.

O. No. 72. *Natal Report*, 107.—From matters that came to the knowledge of your Excellency's Commissioners when employed on the duties of this Commission, they desire very respectfully to submit that a necessary supplement to the definition of a boundary line between the Transvaal and Zululand to the west of the Pongolo River is that of a similar line between these two countries to the eastward of that river, which boundary is now undefined and in dispute; and they have the honour to submit the desirability of at once settling this boundary line, so as now and for ever to settle the boundaries between the British Province of the Transvaal and the Zulu and Swazi countries.

S. N. A., Transvaal, 107.—The boundary to the north-east of the Pongolo River is not undefined, and is one with which the Zulus have nothing to do. The Zulus have never conquered the Swazis, whose boundary has always been the Pongolo River.

In 1855 a strip of land to the north-east of the Pongolo River, and down it to the Bomba Mountains, was ceded by the Swazis to the Dutch people, in order that they might form a barrier between them and the Zulus.

The Zulus never claimed or occupied land across the Pongolo River until 1865, when they began encroaching, notwithstanding the protests of the Boers. This was brought to Panda's notice in 1866 by Mr. O'Reilly's Commission.

108. I cannot conclude without drawing his Excellency's attention to the extraordinary disregard shown by the Natal Commission to the oral and documentary evidence sworn to by the Transvaal witnesses, which show that the boundary of the late Republic up to 1861 was from the junction of the Blood River with the Buffalo, up the former to where the old Jogt Pad crosses it, and thence along the said road to the Pongolo River. That this boundary has been occupied, and full jurisdiction exercised within it since 1854, with the exception of a few Zulu kraals—about 10, which have been allowed to settle there, and over which, by consent, no jurisdiction has been exercised. And we have it also in evidence that this was the recognised boundary in 1874, and was not questioned until 1876, when disputes commenced.

109. That in June 1860 a Commission was appointed to represent the Government

in all matters connected with the Zulu border, and that in January or February 1861 Cetywayo's two brothers fled into the Utrecht district.

110. In March Cetywayo sent up thanking the Boers for taking care of his brothers and offering them land.

111. C. Van Rooyen was sent down about the land, and Cetywayo told him that he would give him the land from the Buffalo River along the Ngutu Range through the Isekala sen Gonyama to the Pongolo River, if they would give up his brothers, their people and cattle.

This Van Rooyen agreed to do if Cetywayo would promise not to kill his brothers.

112. C. Van Rooyen returned and reported to the Commission what he had done, and that he had arranged for the Commission to go and meet Cetywayo at Engwazine to arrange matters.

112. The Commission went down in March 1861, and then bargained for the land in exchange for the refugees and their cattle. Cetywayo sent Sirayo and Gunjini to agree to the boundaries and to report to him. They went and when they reached the Ngutu Range, the Commission said that that was the line mentioned by Cetywayo to Van Rooyen, and through the Lion's neck.

Sirayo objected on account of his occupying portion of that country, and they then were told by the Commission to place the line where they wished, and it was ultimately arranged so as to exclude all Sirayo's country, and to pass through the Isikala si ka Zungini instead of the Ingonyama, and a paper was written and signed on the ground to that effect.

114. The Commission returned to Waaihœk, when a meeting was held in presence of the Zulu delegates, who signed the Minutes as a guarantee for the safety of the refugees who were then given up.

115. A deputation was sent down again to Panda to report what had been done regarding the land, and to obtain his sanction to it which they did by obtaining his signature 3rd April 1861 to the document previously signed by Sirayo and Gebula describing the boundaries.

116. In June 1861 Mr. Pretorius went down to see Panda about the cession, and after a little demur, Panda agreed to sign the deed also if Mr. Pretorius would send it down. It was further agreed that the beacons should not be erected until Mr. Pretorius could come himself to see to it, when Panda was to send up representatives. Mr. Pretorius, though President of the South African Republic, was Acting President of the Orange Free State, and could not get away until the end of 1864, when the resolution of September 1864 was passed.

117. In December 1864, on his arrival in Utrecht, he sent down to inform Panda that he was now prepared to go and erect the beacons along the line ceded in 1861. Panda sent up Gebula to represent him, and Gunjini to represent Cetywayo. They went down the line with Mr. Pretorius, themselves pointing out the sites and placing the first stones.

118. There is also the account of the argument between them and Mr. Pretorius relative to the removal of the Zulus from the South African Republic side of the line, which Panda had ordered.

119. On the completion of the erection of the beacons, the Zulu representatives went up to Utrecht where they were given a number of cattle as a present to Panda.

120. In February 1865, after one of the refugees Umtonga, Cetywayo's brother, had escaped again from the Zulu country, this time to Natal, the cession was denied and the beacons along the line were thrown down by Cetywayo's orders.

121. In June 1865 Mr. Van der Schiff's Commission went down to see Panda about this line, and obtained a document signed by Panda recognizing the line, but requesting that it might be altered in a certain place so as to exclude certain Zulu kraals. This was done by Mr. Pretorius in 1868.

122. In September 1866 Mr. O'Reilly's Commission went down to request that the Zulus living inside the line ceded in 1861, and beaconed off in 1864, should now be moved, and to call attention to the fact that Zulus were then for the first time crossing the Pongolo River into Boer land.

123. In June 1868 Ishingwayo was sent up to build a military kraal in the Pongolo valley, but was ordered off by the field cornet and went.

124. In October 1869 Panda sent up Gebula with 240 head of cattle to buy back the land, they were refused and sent back.

125. In February 1870 Mr. Krüger went down as head of a Commission, and was entirely successful in obtaining from Panda a recognition of the line.

126. All these are facts proved and sworn to by persons both white and black who were present on the several occasions.

127. The Zulus have not brought a single witness to rebut any of this sworn evidence, both oral and documentary.

128. They have simply satisfied themselves by saying that it was all manufactured, and untrue from beginning to end; but on being pressed were forced to admit that on every occasion alluded to by the Transvaal witnesses most of the circumstances sworn to did take place, with this exception, that they deny any cession of land.

129. Notwithstanding this evidence, and of the fact of the remonstrance of the Natal Commissioners with the Zulu delegates as to not bringing any evidence, but contenting themselves with a simple denial, the Natal Commission arrive at the conclusion that the "Boers never acquired, and that the Zulus never lost, dominion over the land," and then proceed to fix as a boundary the line offered by Cetywayo, which they state is the same as that of 1854 cession (with a small deviation), viz., up the Blood River to its sources in the Magidele Mountain, which is Cetywayo's offer, but they, instead of proceeding thence along the watershed northward as Cetywayo does, take the line back to the round kappie between the sources of the Pongolo River, which makes a most extraordinary boundary.

130. And this they propose should be the boundary between the Transvaal and the Zulus, not as a matter of right, but simply on the grounds of expediency, owing to previous occupation.

131. I must also now inform his Excellency of the very strict and severe cross-examination to which our witnesses were subjected, not a cross-examination to elicit full information, but one in which every endeavour was made to confuse the witnesses, so as to cause them to contradict themselves; and thus discredit their own evidence, while the Zulus on the contrary were treated with the greatest tenderness and consideration.

I have, &c.

Secretary Native Affairs Office, Pretoria,
October 19, 1878.

(Signed) H. C. Shepstone,
Secretary Native Affairs, Transvaal.

Sir, Utrecht, April 20, 1878.

We have the honour to report for the information of his Excellency the Administrator that, in accordance with instructions, we proceeded to Rorke's Drift on the Buffalo River, and encamped on the Natal side on the 7th ultimo. The Natal Commission had not then arrived, but Mr. J. W. Shepstone, the Acting Secretary for Native Affairs, one of the members of the Commission, came soon after we did, and informed us that the delay was caused by the difficulty they had experienced in obtaining transport and by the wet weather. The other members arrived on the 10th ultimo.

On the 12th ultimo the Natal Commission held its first sitting, and summoned us and the Zulu representatives to appear before it; the Zulu King and people were represented by Mundulu, an induna of the Nodwengu kraal, Sirayo, the nearest border Chief, and one connected with the cession of the line in 1861, and by Gebula, an ordinary messenger, who was one of the principal parties to the cession in 1861, and also to the beaconing of the line in 1864; a fourth man, Sintwangu, a confidential body servant (Inceku), was present at Cetywayo's special request to be "his ears."

The Zulu delegates, upon being asked to state what they had come to claim as their boundary, said that Cetywayo claimed as the boundary of the Zulu country the Buffalo River to its sources in the Magidela Mountains, and thence along the ridge dividing the waters which run east from those which run west, including the Manhlamgampisi country, and thence to the Inkutu River, which is a day's journey to the north of the Subalule River (Oliphants). The Zulu delegates added that they did not go further that way, because the country there was occupied by people subject to the Zulus.

We then requested to be informed whether the temporary boundary, as proposed by his Excellency Sir H. Bulwer to be made between the Transvaal and the Zulu country pending this inquiry, had been agreed upon?

In reply we were informed by the gentlemen that they, as a Commission, knew nothing of this matter, and asked us whether we wished to protest against the proceeding of the inquiry. We replied that we did not wish to hinder the proceedings, but that our inquiry should be recorded.

We then proceeded to state:—

1st. Our claim to compensation from the Zulus for all expenses incurred by our Government in moving troops, &c., such movements having been necessitated by the threatening and warlike attitude of the Zulus.

2nd. For all damage and loss sustained by the border farmers in consequence of Zulu aggression.

3rd. For all expenses of this Commission.

In reply the Natal Commissioners informed us that they had no power to entertain such claims, and that therefore they could not take evidence on them, but that they would record these claims for compensation as having been made.

It was then decided we should proceed to lay our claim before the Commission, and a memorandum was read stating that we were prepared to prove by documentary as well as oral evidence our claim to the land ceded in April 1861, up to a line drawn from Rorke's Drift on the Buffalo River, through Nungeni's Neck to the Pongolo River, which cession was ratified by Panda in August 1861, and which line was beaconed off in December 1864 by the President and Executive Council of the South African Republic, with the ready co-operation of the Zulu representatives from both Panda and Cetywayo.

The inquiry appears to divide itself naturally into two heads, viz., the proof of the cession of this land in April 1861 by Cetywayo, with the King's ratification of it in August 1861, and the beaconing off of the line in December 1864.

With regard to the first point, in June 1860, a permanent Commission was appointed to deal with all Zulu affairs, and with power to obtain a further cession of land if possible.

The evidence we have led proves that in January or February 1861, Umtonga and Umgihlana, two sons of Panda, with two indunas, named Dengezi and Unkmega, their people and cattle, took refuge in this district; that about six weeks after a message was received through Gungini and Umkonto *alias* Assegai, by the above Commission from Cetywayo, thanking them for the custody of his brothers, suggesting the cession of a piece of land, and requesting that Mr. C. J. Van Rooyen should be sent down to see him on the subject and arrange for a meeting between him and the Boers. This was agreed to, and Mr. Van Rooyen went down to Cetywayo at the Undi kraal, where from his evidence it appears that Cetywayo asked that his brothers and the indunas and their property should be returned to him, saying if this was done he would give the Boers the land from where the Ngutu Range touches the Buffalo River through the Lion's Neck (Isikala Sengonyama) to the Pongolo River; Mr. Van Rooyen said that if Cetywayo wished to get his brothers and their people for the purpose of killing them, he would not give them up; Cetywayo replied that it was not so, and that he would guarantee their lives and property. Mr. Van Rooyen then consented and arranged for a meeting to take place between the Boers and Cetywayo at Sirayo's kraal the Engwazini.

The meeting took place on the 28th between Cetywayo and the Commission of 1860 at Engwazini, when it was agreed that his brothers should be given up to Cetywayo, on his guaranteeing that their lives and property should be respected, and he promised to give the Boers land, to be agreed upon between the Commission and two representatives to be sent by him, who were, after agreeing to the land, to go on and receive his brothers. The Commission then promised to give Cetywayo some cattle.

They went next day accompanied by Sirayo and Gebula, sent by Cetywayo to agree upon the line of the land to be ceded. Upon arriving on the Ngutu Range the Commission said that the line named by Cetywayo to Mr. Van Rooyen was along it and through the Lion's Neck to the Pongolo River, but Sirayo objected, saying that that would put him and his land in the South African Republic; that he would not give up his land, and would die for it if necessary. The Commission told him that they did not wish to insist upon this line, and that if he objected so strongly he had better point out a line which would suit him. Upon this the Zulus went on to the western slope of the Ngutu Range and pointed out a line, one way north-east through Nungeni's Neck to the Pongolo River, and the other south-west to the junction of the Doornhoek Spruit (Abatze) with the Buffalo River. This alteration of the line was agreed to by the Dutch Commission and written down on the spot, and then and there signed on the 29th March 1861 by the two Zulu delegates and the Commissioners.

The evidence shows, both Dutch and Zulu, that the south-west line was taken to a small Kappe, and from thence to the junction of the Doornhoek Spruit with the Buffalo River, and that this was done to cut out altogether Sirayo's wooded country.

The document above referred to was most unfortunately very much blotted by the President of the Commission, Mr. N. Smuts, in signing his name, and in consequence of that and of other erasures and alterations in it, he said that he would have it re-written, and bring it to the meeting at Waaihoek, and get it re-signed there by the Zulus.

The meeting at Waaihoek took place on the 1st April, and we have it in evidence that the Commission called the Zulu delegates and explained to them the reason of the re-writing of the document they had signed on the Ngutu Mountain on 29th March, and

had it read over and translated to them when they signed the copy, and the original document was torn up in their presence.

The public meeting then took place, and it was agreed that the refugees and their property should be given up upon the Commission obtaining the guarantee of Sirayo and Gebula, as representing Cetywayo, for the safety of their lives, and in order to give this guarantee both Sirayo and Gebula signed the minutes of the meeting.

After this Panda's two sons and the two indunas were placed in a waggon, and given into the charge of Messrs. P. W. Jordaan, G. M. Smuts, and S. F. de Plessis, together with Sirayo and Gebula.

The three former gentlemen had also entrusted to them the document substituted for that signed on the Ngutu for the purpose of obtaining Cetywayo's signature to it, in ratification of the cession of the land agreed to by his representatives, Sirayo and Gebula.

Upon arriving at the Blood River Mr. Jordaan and his companions left the refugees in charge of Sirayo and Gebula and rode on to Engwazini, where they saw Cetywayo, and obtained his signature ratifying the documents, together with those of Uhamu, Siwedu, and Niteku, his brothers, on the 3rd April, and Cetywayo requested them not to communicate with his father Panda on the subject until he first had time to do so himself and persuade his father to agree to what he had done.

The cattle (about 4,000 head) were given over to Stunoman, Gunjini, and Assagai to drive down.

The Commission reported what they had done, and it will be seen from Mr. Uys' evidence that Mr. Pretorius, who was then the President, came down to Utrecht, and ordered the cattle, &c. promised to Cetywayo to be sent down. Some of these cattle were returned about nine months after.

In the winter of the same year Mr. Pretorius went down himself to Panda at Nodwenga. Mr. Uys accompanied him as interpreter, and states that Panda then promised to ratify the cession of the land by Cetywayo, and told Mr. Pretorius to send him the document signed by Cetywayo that he might also sign it. It was then also agreed that the beacons should not be erected till Mr. Pretorius himself could see to it, and he was to send to Panda when he was in a position to go, when Panda would send Zulu indunas to represent him.

On Mr. Pretorius' return to Utrecht, Messrs. J. F. van Staden, T. J. G. Potgieter, and C. J. van Staden were sent down, with Stunoman as interpreter, to obtain the ratification of the cession promised by Panda. From Mr. C. J. van Staden's evidence it will be seen that they forgot to take down the deed signed by Cetywayo, and in consequence of this omission, Mr. J. F. van Staden wrote out a short deed ratifying the cession of the land by Cetywayo, which was read and interpreted to Panda, and then signed by him on the 5th August 1861.

This cession of the land in April 1861 by Cetywayo, and its ratification by Panda on the 5th August following, whatever the documents themselves may be worth, has, we think, been fully proved before the Natal Commission by the sworn evidence of Messrs. P. L. Uys, senior, C. Van Rooyen, N. Smuts, Landdrost and President of the Commission, J. H. Combrink, D. A. Sandbrink, and P. W. Jordaan, and of the natives Gunjini, Sturman, and Umkonto or Assagai.

The Zulu delegates deny any cession whatever. Sirayo and Gebula admit having been sent by Cetywayo to get Panda's two sons; they admit that the Boers spoke of land, but state that Cetywayo refused it. They admit that they had orders to look at certain land on the Zulu side of the Blood River, the waters of which ran into the said river which the Boers said they wanted. They state that when they came on to the Ngutu, the Boers stopped, and said that was the land they alluded to; that Sirayo objected, as the land pointed out was his, and that sooner than give it up, he would fight and die for it. They state that Gebula was then seized by the Boers, a stick forced into his hands, and made to point out a line; that a paper was then written there, which they both refused to sign. With regard to this paper, it appears from a message sent to Natal by the Zulus shortly after that, they then admitted signing a paper which they stated was represented to them as merely a certificate for the Boers to show their President that they really had shown the Zulus the land they wanted. Both Sirayo and Gebula admit signing one paper at Waarhoek, which they state was the guarantee for the safety of the lives of Cetywayo's brothers. They deny that Cetywayo signed any paper at Engwazini, as also does Sintwango on Cetywayo's behalf.

We now come to the second point, namely, the erection of the beacons on the line ceded as stated above.

For various reasons Mr. Pretorius was unable to go and see to the erection of the beacons himself until the end of 1864, when he arrived at Utrecht, accompanied by certain members of his executive council, and at once sent off a commission, consisting of Messrs. P. W. Jordaan and the two Van Stadens, with Stunoman as interpreter, to inform Panda, in accordance with his previous arrangement with him, that he was now prepared to go and erect the beacons on the line ceded in 1861, and to ask Panda to send up some indunas to represent him and Cetywayo at the erection of the beacons. Panda consented and sent for Gebula to go and represent him, and Gunjini was sent by Cetywayo, as stated by him in his evidence. Horses were sent down to meet them, and they rode up.

On their arrival at the President's camp on the Indudusi flat, near the White Umfolosi River, they informed him of their omission, and Mr. Pretorius told Gebula that as he knew the line he would have to lead them to the place from which they had pointed it out in 1861, in order that the first beacon should be erected on that spot, and he consented and took them next day to the place on the western slope of the Ngutu Range. On arriving there they asked that the beacons should not be erected on the spot first pointed out, but a little more to the south-west, which was agreed to, and they were told to fix the spot themselves. Gebula with Gungini pointed out the spot for the beacon by themselves placing the first stone, the beacon being then erected by the young Dutchmen.

From thence it was arranged that the line (S.W.) should be taken to a small koppe, so as to exclude Sirayo's country, and that a beacon should be erected on it by Dirk van Rooyen, and that from thence it should go to the footpath drift below Rorke's Drift on the Buffalo River.

After settling the S. W. line the party went the other way making for Nungeni's Neck, and passing over the Ingutu range they decided upon placing a beacon upon the N.E. slope and did so, Gebula and Gungini fixing the spot by placing the first stones. From this place they went to a hill named the Mondhlo, and there, after discussion, the Zulu delegates themselves pointed out the spot for the beacon, and placed the first stones. From this place they went through a sandy spruit named the Tusengeni, and, upon passing through a kraal on the ridge, Gebula said that this kraal should be one of the beacons, as it was in the line, and he with Gungini placed the stones for the beacon on the upper side of the kraal wall. Another beacon was erected on a small conical hill just across the Umfolosi River in the same manner as the others had been. This hill is named the " Inseka."

From there they went to Seketwayo's for the night, and two head of cattle and a lot of beer were given them for food. Next morning the President and most of the party returned to Utrecht, leaving the two Van Stadens and Theodore Meyer with Stunoman to see to the erection of the beacons on to the Pongolo River with the two Zulu Commissioners.

It is necessary to state here that the Zulu Commissioners had instructions from Panda to order all the Zulu kraals living on the Boer side of the line to move over at once into the Zulu country, and these orders were given, but the President remonstrated, as the people's crops were still on the ground, and said that they should go after they had gathered them in, and it was so arranged, notwithstanding the protests of the Zulu Commissioners.

Upon the President going away, the Commissioners left by him to complete the erection of the beacons on the line, went with Gebula and Gungini on to Gungeni's Neck, and there the spot for the beacon was fixed by the Zulu Commissioners placing the first stone.

From this place they crossed the Manzana spruit, and erected a beacon on the ridge, the site being agreed upon and fixed as the others had been done. By this time one of the Zulu Commissioners, Gungini, was so chafed from riding that he could not go farther, and it was agreed to point out the other beacons from that spot.

An old tree stump on a bare ridge on the right side of the Bivana River was then pointed out and agreed to as a beacon.

The next beacon was to be placed on the right bank of the Pongolo River, where a line drawn from the tree stump to a high pointed hill across the Pongolo River intersects it. This hill is called the Ingwegwana by Gungini and the Unduvana by Stunoman, who explains that the line cuts through the Ingwegwana to the Unduvana, which is close to the hot springs.

The party then returned to Utrecht, where the Zulu Commissioners were given some breeding cattle to take down to Panda, these cattle having been promised by the President.

The erection of the beacons on this line in 1864 has, therefore, we are of opinion, been fully proved by the affidavit of Mr. Pretorius and the evidence of Mr. P. L. Uys, senior, P. W. Jordaan, C. J. Van Staden, C. J. Meyer, Theodore Meyer, and the natives Stunoman and Gunjini, Cetywayo's representative, while Umkonto states that he was sent up with a message to the President by Panda, and arrived after he had left the line, and while his representatives were away putting up the remainder of the beacons.

The Zulu delegates state that they know nothing of this erection of beacons in 1864 by Boer and Zulu Commissioners along the line of country alleged to have been ceded in 1861; that had such a thing been done, they, that is the nation, would have been aware of it; that the King of his own motion had not power to make grants of land, and they again stated that they had been sent to claim the boundary already quoted. A glance at the evidence will show that up to the time of the beaconing off of the line everything had been done with the knowledge, at all events, of the Chief Indunas.

Gebula, the principal Zulu witness, admits having been sent up by Panda in 1864 at Mr. Pretorius' request. He states not to beacon off a line, but to see what it was that the Boers wanted. He states that he and Gungini went up, and that on arrival at the President's camp they were, in fact, made prisoners of, and forced to accompany them; that he did not point out the place on the Ngutu Range; that on coming to it the Boers did not put the beacons on the same spot, but more to the S.W. He denies that either he or Gungini pointed out any spot or placed any stones, that all was done against their wishes and protests. That the people along the line knew nothing of it; that they had all fled on account of the large armed force accompanying the Boers. Against this we have the evidence of Gungini himself that everything was done willingly by them and of their own accord, and that the Boers were not there as an armed force, and that there were never more than 50 present at one time; this is supported by the evidence of all the Dutch witnesses.

Gebula also admits that the removal of those Zulus living on the Transvaal side of the line was mentioned, and states that he and Gunjini were threatened with death by the President if they removed them, notwithstanding the fact that they had been prisoners. Gebula admits that they, upon Mr. Pretorius request, went up of their own accord to Utrecht after the beaconing off of the line, and were given cattle to take down to Panda. Gebula's evidence is a denial of everything sworn to by our witnesses.

Shortly after the erection of these beacons, early in 1865 we think, Umtonga escaped to Natal, and it was then that the first repudiation of this line was made by the beacons being pulled down. Sirayo in his evidence admits that Umtonga had escaped before the beacons were thrown down.

In June 1865 a Commission was sent down, of which J. W. Henderson was secretary, in consequence of a message received through Bemba from Panda, requesting that the line might be moved back at Zungeni's Neck, so as not to cut out of the Zulu country three kraals belonging to Zulu headmen.

Panda again acknowledged the line to this Commission, and signed a document to that effect on the 17th June 1865, and he then requested that the line might be altered and put back, and a letter was written to the President to that effect and signed by him.

This letter was forwarded to the President, and in consequence of it, and the representations of Mr. Henderson, Mr. Pretorius consented to make the alteration requested, and some time after, Mr. Henderson thinks in 1868, he came down to Utrecht, and accompanied by Mr. Henderson and Stunoman, went to the west end of the Zungeni Mountain, and sent for Seketwayo, one of the three headmen alluded to, that he might come and show what the alteration wanted was; he sent a representative, and it was agreed that the line should be taken from the Inseka koppie to a beacon they erected on the west of Zungeni Mountain, and thence to the Bivana River through Magwazas kraal, and then down the Bivana River to where the beaconed line of 1864 intersects it. This alteration placed the whole of the Zungeni Mountain in the Zulu country.

In October 1869 a message was received by the Landdrost of Utrecht through Gebula, who stated that he had been sent by Panda with 240 head of cattle to buy back the land, and to ask the Boers to throw down the beacons. This was refused and the cattle sent back.

Gebula admitted before the Commission that he had taken up 300 head of cattle, but says they were not to buy back the land; but were sent up in place of those given to Panda by the Boers, as Panda was astonished then to hear for the first time that those cattle were said to have been given in payment for land. These cattle Gebula admits the Boers refused to receive.

In consequence of this message and of a communication to the President from the Governor of Natal, stating that Panda had requested him to arbitrate between the

Boers and the Zulus respecting this land, a Commission was sent down in February 1870, of which Mr. Paul Krüger was chairman.

Mr. Krüger had been himself present at the erection of the beacons in 1864, when Gebula and Gungini helped, and he told the King that he had been to, and that, though they had no objection to the Natal Governor as an arbitrator, he did not know what he was to arbitrate upon, as there could be no mistake about that line. Panda then denied having sent to ask the Natal Governor to arbitrate; he said that he knew and acknowledged the line; that he had only sent to Natal to report to the Governor that his people living above that line were being forced to pay taxes, and that was all. Panda and four of his indunas signed these minutes. See the Report of this Commission and Mr. C. F. Meyer's evidence.

There is no doubt that all the Commissions that went down to the Zulu country since the escape of Umtonga into Natal in 1865, found that though the King, and it is said Cetywayo also, always recognised the cession of the land to the 1864 beaconed line, yet that they were always referred to the indunas, who strenuously opposed and ignored it.

In 1873, after his coronation by his Excellency, Cetywayo alluded to his troubles with the Boers about this land, and requested his Excellency to take possession of and occupy it, and he suggested that a white man should be sent up to see the land in question, and that he would send men to point it out to them.

His Excellency agreed to this, and sent Mr. H. W. Taylor and two native indunas, Mansele and Manyosi, with him; Cetywayo sent Sijulwana and two other native indunas.

Upon their arrival at the line beaconed off in 1864, near to Seketwayo, Mr. Taylor was taken on to the Inseka Koppi and shown the beacon there, and next day the party separated. One induna going with Mr. Taylor along the beaconed line, and Sijulwana with the other, taking Mansele and Manyosi to the old hunting road, opposite the Ingaba Rawana, and pointing that out to them as the line, from the Pongolo River to where it crosses the Blood River, and then down the latter to the Buffalo River, which the Boers were troubling them so much by crossing over.

They were then taken to the Ngutu Mountain and saw themselves the remains of the beacon which had been erected there, and the land between these two lines was that trespassed upon by the Boers, which they, the Zulus, said that they wished the English to occupy.

This is proved by the report of Mr. Taylor to the Natal Government on his return and by the evidence of Manyosi and Sijulwana himself, the Zulu messenger, Bemba also admitted having stated in Utrecht to his Excellency that this was the land then in dispute.

Owing to unforseen circumstances, Messrs. W. W. Pretorius and Paul Krüger were unable to attend before the Commission at Rorke's Drift on the date they were summoned for, and as on that day we had finished all our evidence, we proposed that the Zulus should go on with their case, but they objected, saying they wished to hear all we had to say first. As we were of opinion that we had fully proved our case, and that the evidence of these gentlemen was not necessary, we stated that if the Natal Commission would admit Mr. Pretorius' affidavit on the subject we would close our case, and not call them should they come, this was consented to, and the Zulus were then called upon for their case.

Each delegate made a short statement, which was chiefly exculpatory of his own particular action regarding this land question, and denying altogether the statements of our witnesses, saying that their stories were all made up, and they knew nothing of them.

They again named the boundary they had come to claim, and said that they had not come to hear all this talk about things of which they knew nothing; that they had only been sent for one thing, viz., to name the boundary, and nothing else.

The evidence of our witnesses, though they were subjected to a very severe and searching cross-examination, was not shaken in any one material point, while the Zulus when cross-examined at once got into difficulties. We also beg to draw his Excellency's attention to the fact that our two principal witnesses, Mr. Uys and Mr. C. F. Meyer, gave their evidence fluently in the Zulu language.

From the course of the cross-examination by the Natal Commission we were forced to prove our boundary previous to the cession in 1861, and at the conclusion of the business we were requested to furnish the Commission with a statement of our three alleged boundaries. This letter and our reply are annexed.

On the last day of sitting, on the Zulus finishing their statements, and before the meeting was broken up, we suggested that it would be advisable to go and see the line,

but were told that it was a point reserved by the Commission, and the Zulus were then told that the business was over, and that they could go.

Next day, however, the Natal Commission decided that it would be advisable to see the disputed country, and sent to the Zulu delegates, who said in reply that they were told that the business was over, that they had been dismissed; that they knew nothing of the lines named, and that they would not go, but that the Natal Commission might do as it liked. Upon this the Natal Commission decided not to go.

We trust that his Excellency will approve of what we have done, and that he will agree with us in thinking that we have proved that there was a cession of land by Cetywayo in April 1861, to a line then roughly pointed out and agreed to by Dutch and Zulu representatives; that this cession was ratified in August following by the King Panda, with the understanding that the boundary of it was to be more particularly declared and defined by beacons being erected along it at some future date, when he would send indunas to represent him.

That this beaconing off of the line ceded in 1861 was accordingly done in 1864, in the presence of the President and his Executive Council, and of a representative, Gebula, from Panda, and another, Gunjini, from Cetywayo, and that these Zulu representatives themselves willingly pointed out the line and fixed the spots for the erection of the beacons, which they themselves commenced by placing the first stones of each beacon.

And, further, we have proved that up to the year 1870 the Transvaal Government was continually urging its claim to this line, which claim was always admitted by the Zulu King, and that in 1873 this line was also shown to the messengers sent by his Excellency as the line which the Boers had forced Gebula to point out.

We have, &c.

(Signed) H. C. Shepstone,
Secretary for Native Affairs.
G. M. Rudolph,
Landdrost.
P. L. Uys, senior,
Transvaal and Zulu Boundary Commissioners.

The Hon. the Secretary to Government,
&c. &c. &c.

Minute.

Camp, Rorke's Drift, April 12, 1878.

The Natal Commissioners, proposing to visit the disputed territory, request the Transvaal delegates will be so good as to furnish them with the boundaries of the three successive lines of country stated to have been ceded by the Zulus, and further that they will favour them by accompanying them in their proposed visit, so as to afford such information as may be required.

By order,
(Signed) A. C. Jackson,
Secretary, Commissioners.

To the Transvaal delegates,
&c. &c: &c.

Minute to Natal Commissioners.

Camp, Rorke's Drift, April 12, 1878.

The Transvaal delegates have the honour to acknowledge the Minute of the Natal Commissioners of this date, and in reply beg to inform them that the first cession of land by the Zulus to the Boers was made by deed dated 8th September 1854, signed by the Zulu King Umpanda, which states the boundary to be as follows: up the Blood River from its junction with the Buffalo River to where the outermost spruit, acknowledged to be the Indudusi, runs into the Blood River; thence along the Indudusi to its sources, and from there along and under the mountains, viz., Ingaba Ra Rawana, Inhlonga and Ulembe mountains, and from them on to the Pongolo River, where a line drawn from the mountains to the round kop across the Pongolo River cuts it. This kop is supposed to be the Inkozu just above the junction of the Intombi River with the Pongolo River.

This line was not proclaimed until 1859.

The Pongolo River was then the known and acknowledged boundary of the Swazi

country, and no Zulus lived across that river. The land across the Pongolo River was ceded by Umswazi to the South African Republic in 1855.

The Zulus first began to cross the Pongolo River in the year 1863, notwithstanding frequent protests made by the South African Republic to the Zulu King.

The Zulus never have owned or occupied land across the Pongolo River.

Now with regard to what is called the second boundary line, namely, the old "Jogt Pad," which runs parallel to and close under the before-mentioned mountains, it appears from Sturman's evidence, who accompanied the Commission in 1854 as interpreter, that the line then named and pointed out was the Blood River from its junction with the Buffalo River to where the old "Jogt Pad" crosses the former, and thence along it under the mountain to the Buffalo River. This line, from some misconception on the part of the Commission, is not the one described in the deed above alluded to, but it is the line which has always been recognised and occupied by the South African Republic until it obtained the cession of land of 1861, which was beaconed off in 1864.

The "Jogt Pad" line was also the line which has always been till quite recently recognised and acknowledged by both Cetywayo and Panda. The latter also acknowledged it to Sir T. Shepstone on the occasion of his coronation, and it was the line pointed out in 1873 to Manyose by Segulvana, Cetywayo's messenger, as the line over which the Boers were going. *See* evidence of both these men.

The line claimed by the Transvaal is that which we think we have proved by the evidence of our witnesses before you as having been ceded in 1861, and beaconed off in 1864, with the ready and willing assistance of representatives from both Panda and Cetywayo.

This line was afterwards altered near the Zungeni Mountain at Panda's request, as shown by the evidence.

With regard to your request we should accompany you to the disputed territory to afford you such information as we may be able to give, we regret to say that Mr. Uys does not feel justified in acceding to this, saying that he objects to point out any other than the 1864 line, which we claim, but states that as the other members have agreed to go he will accompany them as a looker-on of the 1854 line.

(Signed) H. C. Shepstone, G. M. Rudolph, P. S. Uys } Transvaal Delegates.

Minutes of a Meeting held in Mr. Gallwey's Tent on the Morning of the 13th April 1878.

Present:—Mr. Gallwey, Mr. J. W. Shepstone, and Colonel Durnford.

The Commission proceed to consider the present situation, which has been complicated by the refusal of the Zulu delegates to accompany the Commission on their proposed visit to the disputed territory, and the protest of Mr. Uys against pointing out any line but that of 1861.

They consider that should they make this visit accompanied by the Transvaal but unaccompanied by the Zulu delegates, suspicion may be engendered in the Zulu mind that the whites are in combination to take their land, and as it is essential to the success of the mission that it should possess the full confidence of both sides in the dispute, the Commission consider that under the above-named circumstances it is desirable to defer the proposed visit to the disputed territory until after taking the views of his Excellency the Lieutenant-Governor of Natal.

Two of the Zulu delegates, having come over from Sirayo's kraal, are duly informed of this resolution of the Commission.

True copy.

(Signed) A. C. Jackson,
Sec. Comm.

Rorke's Drift, April 13, 1878.

Forwarded to Transvaal delegates.

By order.

(Signed) A. C. Jackson,
Sec. Comm. Transvaal and Zulu Boundary.

Enclosure 13. in No. 19.

MEMORANDUM of TERMS to be proposed to CETYWAYO.

1. As soon as the award in the matter of the disputed boundary has been delivered to Cetywayo, and clearly explained to him and to the Great Council of the Zulus, no time should be lost in distinctly explaining to them the causes of the assemblage of troops in Natal, and the precise points on which the British Government requires satisfaction and security before the present force can be reduced.

2. In making this communication, it will be well briefly to recount the history of our dealings with the Zulus in times past, from the destruction of Dingaan and the advent of Panda to power as the ally of the Boers, when Panda was invested as Prince of the emigrant Zulus on the 27th October 1839 by Mr. Senaas Van Breda, and subsequently recognised on behalf of the Volksraad as King in place of his deceased brother Dingaan, by Commandant in Chief A. W. J. Pretorius, encamped on the Black Umbolozi River on the 10th February 1840.

3. The subsequent separation of the Transvaal under the emigrant Dutch from Natal, which remained under the English Government, might then be referred to, and the gradual consolidation of Panda's power as the ally of the British in the Colony of Natal.

4. The comparatively mild system of domestic government followed by Panda, his toleration of missionaries and encouragement of white traders, and the effects of this policy on the peace of the country and on the well being of his people might be noticed, and the disorders consequent on doubts as to the succession in Panda's old age should be referred to as one main cause of the interest taken by the Natal Government in the settlement of the succession by the selection of Cetywayo.

5. The incidents of the coronation ceremony and of the negotiations which led to it from 1861 should be detailed, as far as they illustrate the object of the British Government in Natal in taking part in the ceremony. The advantages to Cetywayo in the then very doubtful position of his relations with the Dutch Government of the Transvaal should be carefully marked, but especially the bearing of the ceremony on the Zulu nation.

6. The British Government sought not a foot of land, nor any selfish advantage or privilege of any kind. Its only motive for deputing Mr. Shepstone formally to invest Cetywayo was the good of the Zulu people, the only stipulations the British Government made were in favour of the good government of the Zulus.

7. The history of the promises then made by Cetywayo and their exact terms and import should be carefully stated; it should be noted that they were not sudden or theatrical expressions of mere benevolent intentions, but, as was clearly stated at the time, the formula of a charter of good government for the Zulu people, carefully and openly discussed beforehand, item by item, between the British Representative and Cetywayo and his councillors, and solemnly affirmed and their observance promised by Cetywayo in the presence and hearing of his people. They rest on the same basis of evidence as the people's selection of their Chief, and cannot be broken without bringing into doubt and question the people's choice and their promises of allegiance.

These undertakings of Cetywayo were the price required by the British Government in return of its countenance and support, and they cannot be violated without destroying all title to a continued recognition of Cetywayo as the chosen ruler of the Zulus, recognised and adopted by the British Government.

8. The consequences of the Transvaal annexation should be noticed. The interests and rights of the Transvaal became identified with those of Natal. The Zulus had thenceforth to deal with but one imperial power, represented on the south by the Colony of Natal, on the north and west by that of the Transvaal.

9. The history of the disputed boundary should then be briefly sketched. The right of succession to Panda was still in the balance in 1854. When the Boers having possession of two sons of Panda, one of them Umtonga, the son of a favourite wife, and being anxious to obtain a cession of territory, negotiated with Cetywayo, then in great power and an aspirant to the succession, certain promises of cessions of land were, as the Boers affirm, made by him in return for the surrender of the two sons of Panda, whose lives and property were assured to them by his promise, and partly in consideration of promises of cattle.

What was the extent and character of the promises made by Cetywayo has been since disputed, but it is clear that some land was taken and thenceforth occupied by the Boers under authority of the promise, and that the Boers made several attempts to have the

whole extent of land defined, and the grant itself recognised and confirmed by Panda and by the Great Council of the Zulus.

10. What degree of success attended these attempts of the Boers is among the matters lately in dispute.

The Boers produce written documents, which are impugned as fabrications by the Zulu advocates, and testify to acts of concurrent definition and beaconing off of boundaries by both parties, which are now denied and repudiated by the Zulus.

11. Up to the death of Panda no recognition or confirmation of the beaconed boundary was obtained from him and his Great Council sufficiently clear to enable the Government of the Transvaal to communicate it to the Government of Natal, or to exercise undisputed rights to ownership or sovereignty throughout the area they claimed; and the limits of that area and the rights of the occupants under the Transvaal Government remained in dispute till this year.

12. One of Cetywayo's inducements to give land was removed by the escape of Umtonga into Natal, and by his father's death and Cetywayo's own accession to undivided power. He thereupon persistently invoked the aid of the Natal Government to arbitrate in the dispute between himself and the Transvaal, offering to give up the disputed area to Natal to be held as neutral ground, rather than that it should be surrendered to the Transvaal Government.

13. The Natal Government was always willing to afford its good offices as arbitrator, but the unsettled condition of the Transvaal was a practical obstacle to arbitration, and the dispute was still unadjusted at the time of the annexation of the Transvaal to the British dominions in South Africa.

14. Last year, subsequent to the annexation of the Transvaal, Cetywayo had, if he trusted the British Government, every reason to believe that whatever rights he might have in the portion of the disputed territory occupied by the Boers would be investigated and accorded to him; but without awaiting such a judicial solution of the dispute he occupied with an armed force a portion of the country which he claimed, ejected the Boers, and established his posts far within territory which had long been in Transvaal possession.

15. This proceeding might justly have been resented by the British Government, but having regard to the opinion which its representatives had long before and more than once expressed, that the Zulus had some grounds for complaining of Transvaal encroachment, and desirous of avoiding all appearance of prejudicing a case in which British interests were now involved, the British Government did not resent the Zulu intrusion, and the Lieutenant-Governor of Natal offered the good offices of his Government to arbitrate on the rival claims of the Zulus and the late Transvaal Government to the area in dispute.

16. The offer was accepted. The Lieutenant-Governor appointed a Commission consisting of the ablest, most experienced, and most trusted of the servants of the Government in Natal. They proceeded to the boundary and were ready to hear both sides.

17. The Transvaal delegates presented their claims and tendered evidence to prove them. The Zulus simply stated their claims and extended them to distant regions north of the Oliphant's River, far beyond what the Zulus had of late years had in possession.

18. The Commissioners were, however, only empowered to inqnire into the rights affecting the area in disputed occupation between the Buffalo and Pongolo Rivers. They made a careful inquiry into the claims so limited, and according to their view of the justice of the case, pronounced an award which has been upheld by the Lieutenant-Governor and the High Commissioner, and has been communicated to the parties concerned.

It was at the same time intimated to the Zulus that they must not transgress the Pongolo River by attempting any military occupation north of it. If they have any claims in that direction such claims must be stated to the British Government, when they will be duly investigated and adjudicated.

19. The award of the Commissioners makes over to Zulu possession portions of land which since the annexation of the Transvaal have been under the British flag as Transvaal territory, and persons who in like manner have been under the British flag as British subjects, and who have now therefore a claim, if they choose, either to remove unmolested with their property into British territory, or if they remain in Zulu territory to live under what, according to Zulu ideas, is good government.

20. It is not only for the good government of those its former subjects, but for the better government of all Zululand, that the British Government is bound to require security for the future from Cetywayo.

21. At his coronation he bound himself by solemn promises to the British Government and to the Zulu people—

(*a.*) That indiscriminate shedding of blood should cease in the land.

(*b.*) That no Zulu should be condemned without open trial and the public examination of witnesses for and against him, and that he should have a right of appeal to Cetywayo.

(*c.*) That no Zulu's life should be taken without the previous knowledge and consent of the King after such trial had taken place, and after opportunity had been given for exercising the right of appeal.

(*d.*) That for minor crimes the loss of property, all or a portion, should be substituted for the punishment of death.

None of these promises have been kept by Cetywayo. Indiscriminate killing for all crimes, or for no specified crime, has gone on worse than in Panda's time; there has been no open trial of accused Zulus, no possibility of appeal to the King. Hence all Zulus live in fear of their lives, and no man knows when he may be suddenly set upon and killed, and all belonging to him destroyed or taken away from his family.

22. It is the duty of the British Government not only to look to the safety of its own Colonies, but having taken part with the Zulu nation in placing Cetywayo on the throne, now to assist the Zulus in securing that he shall perform the promises he made at his coronation.

But no such security can be effectual as long as Cetywayo keeps up his present military establishment.

All the youth and manhood of the country are taken as soldiers, kept from marrying and from earning their bread, according to the caprice of Cetywayo; compelled to execute his orders to kill and plunder without trial or warning; and are thus usually oppressed themselves and made instruments for oppressing all Zulus.

This is grievous tyranny in breach of the promises which were a part of Cetywayo's compact with his people when he was put on the throne, and with the British Government when the representatives of that Government recognised him.

23. The first thing, therefore, to be required of Cetywayo is, that as a step towards the performance of his coronation promises he shall give up his present military system and adopt such military regulations as may be decided on after consultation with the Great Council of the Zulus and with the representatives of the British Government.

24. It cannot be said that Cetywayo is an independent sovereign, and that the British Government has no right to interfere with the internal administration of Zululand.

25. Zululand is surrounded landward by the territory of the British Government or its allies. They are all peaceful, non-aggressive people, and would never interfere with Cetywayo, nor attempt to harm him or his subjects, unless Cetywayo first meddled with them, but whilst he keeps up a large standing army, useless for all but purposes of tyranny or aggression, it is quite impossible for his peaceful neighbours to feel secure. The English Government is forced to keep large numbers of Her Majesty's troops in Natal and the Transvaal, and even then the people do not feel secure that Cetywayo will not attack them to "wash his spears."

It is, therefore, absolutely necessary for the peace and quiet of Natal or the Transvaal, that Cetywayo should alter his military system, and reduce his army to such dimensions as shall be considered by the Great Council of the Zulus and the British Government sufficient to secure the internal peace of the country.

26. The present system of centralised regiments, many of them restricted to compulsory celibacy, should be abolished. All men should be free to marry when they please, as in the Colony of Natal. Each of the Great Chiefs should be assessed to furnish a fixed quota of able-bodied men, who may be summoned whenever the King pleases, to carry his loads, to build his kraals, to attend his cattle, to organise his royal hunts, or to perform other works of peace. These men shall not be called up for war without the consent of the Great Council and of the British Government.

27. As representative of the British Government, the High Commissioner on behalf of that Government will appoint an officer as his deputy and a resident in Zululand or on its immediate border, through whom the British Government will communicate with the Zulu Chief and the Council of the nation.

28. The late King Panda, and Cetywayo in his earlier days, permitted several European missionaries to settle in Zululand. During the last two years, though these missionaries have committed no fault against the Zulus, they have been terrified into abandoning their stations.

All these men should be permitted to return and re-occupy any stations which they had occupied up to the year 1877. They should be permitted to teach as during

Panda's time, and no Zulu should be punished unless he has committed some offence other than listening to the preaching of the missionaries.

29. All cases of dispute on this and on any other subject, to which a European is a party, should be publicly heard by the King in presence of the Resident, and no sentence of expulsion from Zululand should be carried out till it has been communicated by the King to the Resident, and been approved by the Resident, who will in case of necessity refer to the High Commissioner.

30. It remains that Cetywayo shall without further loss of time give immediate satisfaction to the British Government for his recent violations of British territory—

1st. In the seizure and abduction and subsequent slaughter of two women in August last.

2nd. The ill-treatment of Messrs. Smith and Dighton on the Natal side of the Tugela River in September last.

3rd. For the recent inroad of Umbellini into the Swazi country in October last.

31. As regards the first outrage, the Lieutenant-Governor of Natal has already demanded the surrender of Meklo-Kazulu and Inkumbikazula, the sons of Sirayo, as leaders of the armed party who were guilty of the violation of British territory.

These men must be given up to the officers of the Natal Government within 15 days, to be dealt with according to English law.

32. A demand for the surrender of these men has been twice made by the Lieutenant-Governor of Natal, and has not yet been complied with.

This is a serious addition to the insult offered to the British Government, and a fine of (200) head of cattle is therefore imposed on the offending tribe, which must be paid over to the Natal Government by Cetywayo within (15) fifteen days from the date of demand.

33. In the 2nd case of the assault on Messrs. Smith and Dighton, no permanent injury was done to the persons assaulted, and it will therefore be sufficient to inflict a fine of (100) head of cattle on the parties who were guilty of the assault, and this fine must also be paid over by the King to the Natal Government within (15) days from the date of this demand being made known to Cetywayo.

34. Umbellini has long been harboured by the Zulu King, and has committed repeated outrages, by making murderous raids into Swaziland and the territory north of the Pongolo, which was ceded by the Swazis to the Transvaal Republic. The last of these raids, attended by the loss of several lives, the plunder of cattle, and the leading away into slavery of many women and children, was perpetrated only a few weeks ago.

Umbellini must be given up to be tried by the Transvaal Courts, full restitution of captives and plundered property must be made, and the nest of plunderers where he lived thoroughly rooted out.

35. To recapitulate: Cetywayo is required, 1st. To give assurances satisfactory to the Great Council and to the British Government for the future observance of the promises of good government made at his coronation, as specified above.

2nd. To abolish his military system, and to substitute for it such tribal quotas as may be decided on by the Great Council and the British Government.

3rd. To accept the presence and advice of a British Resident.

4th. To permit the return to Zululand and engage for the future protection of the missionaries and their converts.

5th and lastly. To make reparation for the three recent violations of British territory, by surrendering to justice Meklo-Kazulu and Inkumbikazulu, the sons of Sirayo, with a fine of (200) head of cattle for delay in complying with the requisition of the Natal Government, and a further fine of 100 head of cattle for the assault on Messrs. Smith and Dighton, and by surrendering to justice Umbellini and their fellow criminals concerned in the recent raid into Swazi territory.

36. It is required that these demands should be complied with within 15 days, and in default of compliance the British Government will take such steps as it may find necessary for enforcing its demands.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

Pietermaritzburg,
November 13, 1878.

Enclosure 13. in No. 19.

MEMORANDUM upon communicating AWARD and subsequent MESSAGES to CETYWAYO.

AFTER deciding what is now to be said to Cetywayo and his people, there remains the question as to the form of the message and the mode of its delivery.

2. Cetywayo has lately expressed his dislike to written messages, and his wish to revert to the old practice of sending all messages verbally by messenger.

3. I do not think there can be two opinions as to the necessity of insisting that all our communications with him shall for the present continue to be, as they have in fact been for some time past, reduced to writing, so that there may be no doubt or question as to what has passed between him and us, and that he may not be able to assert that he has understood something different from what we intended, nor can contending parties among ourselves be able to call in question the correctness of an official record of what was said or intended.

4. For the present the time for verbal discussion and diplomatic argument has passed. The questions between us are reduced to distinct propositions to which we require direct answers, negative or affirmative.

5. The simple terms of the award and those to which we propose to bind him for the future should, I think, be communicated to him in writing, and with a translation ready made into Zulu. Time should be given for him to consider them with his Great Council, and he should be distinctly informed that unless we receive the answers we require within a fixed time we shall take such measures as we find necessary for our own security and the peace of the territory around him.

6. We have next to consider how the written award, and our further communications regarding our future relations with the Zulus, can be best communicated to Cetywayo and his Great Council.

7. The object is that they shall be fully understood and considered not only by the King but by the Great Chiefs and people before they decide whether they will or will not accept and abide by them.

8. I understand that the customary mode would be to send a message of such importance not by ordinary native messengers but by an English official specially selected for the purpose, as was done in 1861, when Sir Theophilus Shepstone went to ascertain who Panda had selected as his successor, and in 1873 when he attended as British representative at the coronation of Cetywayo.

9. Both these occasions showed that the practice of sending an English representative into Zululand on such missions is not unattended with danger.

10. On both occasions the message was one which ought to have been most acceptable to the Zulu nation, and for which Cetywayo had personally every reason to feel deeply grateful to both the British Government and the bearer of the message.

11. But on both occasions we are told the mission was one of extreme danger to the members composing it.

A recent narrator of Sir Theophilus Shepstone's mission of 1861 describes how Cetywayo and his 3,000 followers attended the meeting unwillingly, and in an ill-temper, and taking occasion from a breach of etiquette by an attendant, surrounded our envoy and his solitary European companion, shouting as a set of "infuriated savages," and interrupting the commencement of business for more than two hours, till, vanquished by Sir Theophilus' imperturbable calmness, they departed, and Cetywayo himself is reported to have afterwards said to the writer that the envoy was a great man. "No "man but he could have come through that day alive."*

12. Sir Theophilus Shepstone's own narrative of his mission to instal Cetywayo as King in 1873 bears yet more clear and emphatic testimony to the personal risks of such a mission. It is written in a spirit extremely favourable to Cetywayo, and with an evident and very proper desire to place his conduct in the most favourable light. The mission was a mark of good will of the British Government of the utmost importance to Cetywayo personally. It is impossible to suppose he wished to prevent its reception or to harm anyone belonging to it, but he evidently exhausted every device of savage diplomacy to draw it on from the previously appointed place of meeting to others where the escort should find itself powerless to act, and the envoy and every member of the mission should feel their own littleness, and their inability to resist the potentate within whose power they had placed themselves.

* *Vide* "London Quarterly Review," No. C. 1 of October 1878, "Zululand and the Zulus," published at the Wesleyan Conference Office, 2, Castle Street, City Road.

13. I see no reason for repeating experiments of this kind. We have no reason for supposing Cetywayo's temper or disposition improved since 1873; we have every reason to believe that he and a large portion of his army are not only much inflated since then with a belief in their own increased prowess, but a large part of the army is most anxious to try conclusions with the British forces, and to provoke us to some act of hostility. I cannot believe that the act of justice we shall announce to them as the first part of our communication will really content the King or render his young warriors less anxious to try their strength against us, or to comply with the second and most unpalatable part of our message.

14. It is not necessary to anticipate deliberate treachery or insult, though we have but poor grounds of confidence on that score. We have reason to hope that the messages to be given will on the whole be acceptable to a majority of the Zulu nation when understood. But we know for certain that the communications will be extremely distasteful to the warlike party, and that every effort will be made by that party to prevent their being understood by the nation at large or explained so as to be acceptable to the more peaceful party. No escort, unless strong enough to fight its way out of Zululand, can be of any avail to protect the mission from insult, or from the inevitable results of party contests among the thousands of excited savages who are assembled around the King's kraal.

15. I cannot see that there is any necessity for exposing anyone to such risks. I cannot see why we should not require the King to send trustworthy and accredited messengers to receive the award, and the communications which are its natural and inevitable sequence. If they like to come to receive the written message in the usual mode from the Secretary for Native Affairs at Pietermaritzburg I see no objection, otherwise I would have it delivered by approved envoys of our own, on either side of the border, near the Tugela mouth, as Cetywayo may prefer. If on his side the river, the place selected should not be at any distance from the immediate border, unless he wishes our envoys to be accompanied by what we consider a sufficient detachment of troops as escort.

16. The choice between Pietermaritzburg and the border might be given him in the message telling him that the award and the messages following it, the headings of which might be specified in the message, are ready for communication to him, that he must send proper persons to receive them, and summon his Great Council to deliberate on them as soon as they reach him, and that we expect written answers within a specified number of days.

17. I cannot think that this course will render it at all more difficult to communicate the substance of the award and messages to the Chiefs and people of Zululand.

18. When a reasonable time has elapsed after the delivery of the message without a satisfactory reply, there can be no objection to the publication of the text and its translation, or to its communication to the Chiefs and people in any way which may be found most efficacious to explain the truth and prevent bloodshed.

Pietermaritzburg,
November 13, 1878.

(Signed) H. B. E. Frere,
Governor and High Commissioner.

P.S.—I am told that the Great Council, or the greater part of the Chiefs composing it, attended the summons of Sir Theophilus Shepstone to meet him on the Utrecht border and to discuss the question with him last year.

If that is the case, there will be nothing contrary to usage in requiring Cetywayo to send his Chiefs and councillors to the Tugela Drift to receive the messages from the envoys sent by his Excellency the Lieutenant-Governor.

This would ensure the Great Council and Chiefs learning accurately what is the authentic "word" of Government.

(Signed) H. B. E. Frere.

Extract from Article "Zululand and the Zulus," "London Quarterly Review," No. CI., October 1878.

"The Natal Government has exercised a nondescript control over the Zulus ever since its establishment. Panda, whom the Dutch had helped to put on the throne, quietly took the position of subordination which the closing of the old human hunting grounds of the Zulus by the establishment of British rule on the borders rendered necessary. Ketshweyo has submitted ever since he has known Mr. Shepstone, but the occasion on

which he made his acquaintance at Panda's kraal, in May of 1861, was one which revealed and tried the character and strength of the two men so fully that there has been no need of a repetition. Mr. Shepstone, as Secretary for Native Affairs, had been sent by the Lieutenant-Governor of Natal to Panda on diplomatic affairs, among which was the acknowledgment of Ketshweyo as the successor of Panda whom he summoned to the Royal kraal to receive the announcement. He was inflated with importance after the victory he had gained over his brother, which, he supposed, made him one of the greatest men in the world. He thought it beneath his dignity to go to receive, in the presence of Panda, an assurance of future regality from a subordinate like the Secretary for Native Affairs in Natal; that matter he had already settled for himself. Accordingly, he and his 3,000 followers went unwillingly and in ill-temper, and, taking occasion from a breach of etiquette by Goza, one of Mr. Shepstone's native attendants, they commenced a clamorous assault on both, in which for more than two hours they incessantly shouted their complaint, and prevented any official action on the part of Mr. Shepstone. In the centre of those infuriated savages he sat for more than two hours outwardly calm, giving confidence to his solitary European companion by his own quietness, only once saying, "Why, Jem, you're afraid," and imposing restraint on his native attendants. Then, when they had shouted, as Ketshweyo himself said in our hearing, 'till their throats were 'so sore that they could shout no more,' they departed. But Somtsen* had conquered. Ketshweyo in describing the scene to us and our companion, on a visit to him a short time afterwards, said, 'Somtsen is a great man; no man but he could have come through 'that day alive.' Similar testimony we have had from some of the Zulu assailants, from the native attendants, and the companion above mentioned. The next morning Ketshweyo humbly begged an interview, which was not granted but on terms of unqualified submission. From that day Ketshweyo has submitted to British control in the measure in which it has been exercised, and has been profuse in his expressions of respect and submission to Sir T. Shepstone; but in his heart, as occasional acts and speeches show, he writhes under the restraint, and bitterly hates the man who imposed it."

Enclosure 14. in No. 19.

Government House, Pretoria, Transvaal,
November 18, 1878.

SIR,

I OMITTED to mention in my observations on the Report of Boundary Commission, that between the old hunting road and the Pongolo and the Blood River there are over 80 farms; of this number 47 homesteads are deserted. At least two-thirds of these farms have been occupied by the Boers from 10 to 15 years, and some even longer; and had the Commissioners visited the country they would have seen, in many cases, substantial stone buildings, as Boer buildings go, orchards, and cultivated lands.

I have, &c.
(Signed) T. SHEPSTONE,
Administrator.

Governor Sir Bartle Frere, Bart.
&c. &c. &c.

Enclosure 15. in No. 19.

Government House, Maritzburg, Natal,
November 25, 1878.

SIR,

HAVING referred, at your Excellency's desire, to the Natal Commissioners who lately held at Rorke's Drift the inquiry into the disputed boundary question between the Transvaal and the Zulus, the Despatch of his Excellency the Administrator of the Transvaal to your Excellency of date the 31st ultimo, together with its enclosures, being observations on the part of the Government of the Transvaal upon the Report of the Commission, I now transmit, for your Excellency's information, a Memorandum by the Commissioners on the subject of those observations.

I have, &c.
(Signed) HENRY BULWER,
Lieutenant-Governor.

Governor Sir Bartle Frere, Bart.
&c. &c. &c.

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* Sir Theophilus Shepstone.

Enclosure 16. in No. 19.

THE Commissioners have had under their careful consideration the papers forwarded by his Excellency the Administrator of the Transvaal Government to his Excellency the High Commissioner in his Confidential Despatch of 31st October 1878, and, as desired in his Excellency Sir Henry Bulwer's Letter of the 9th November, now forward for the consideration of his Excellency the High Commissioner such observations as they think it necessary to offer in elucidation of the question.

The Commissioners' main report, and the documents annexed thereto, and the supplementary remarks furnished at the request of his Excellency the High Commissioner on September 27th, 1878, render it, in the opinion of the Commissioners, unnecessary to do more than make a few observations on the papers now under consideration.

And, first, as to the objection made to the scope of the inquiry entrusted to the Commissioners, they desire to refer to their Letter of Appointment of 26th February 1878. That document recites that a dispute exists between the Government of the Transvaal and the Zulu King "regarding the boundaries between the said Transvaal "territory and Zululand." The Commissioners, it will be seen, were appointed "for the "purpose of inquiring into and reporting upon the claims of either party, and of ascer- "taining the grounds upon which such claims rest."

The Letter of Instructions of 28th February 1878 in no way narrows the scope of the inquiry. It states, "It will be your first object then to ascertain as clearly and as "precisely as can be ascertained what is the extent of territory lying between the Buffalo "and Pongolo Rivers in dispute, or with regard to which there are opposing claims "between the Transvaal Government and the Zulus. You will further ascertain and "carefully inform yourselves as to the claims of either party to any such territory, "inquiring into the nature of the claims and the grounds on which they are rested."

The Commissioners, when at Rorke's Drift, after reading their commission, requested the delegates on both sides to define the boundary of their respective territories. The Transvaal delegates defined their boundary as the 1864 line, and the Zulu delegates defined their boundary in the following terms:—We Zulu, the boundary we point out as ours, we take the Umzinyati, and along it until we reach its source. We leave that and go along the ridge of "Magidela." The waters that run to the sunset side belong to the Boers, and those that run to the sunrise side belong to Zulu. We then pass on to Mahlanganpisi, and on from there to the "Inkutu," a river that is beyond the "Ubalule" (Olifant's River). Beyond that we do not go, because other people occupy that country who are Zulu subjects.

The Commissioners confined their inquiries to the claims of either party to the territory thus admittedly in dispute.

The Commissioners could not lose sight of the fact that the dispute in question, however it had arisen, was now a dispute between a British Colony and the Zulus, involving Imperial considerations, and as such the Imperial Government were bound by their previous acts. The Commissioners felt that they were bound with judicial impartiality to examine into the claims of the respective parties to the dispute, and that Her Majesty's Government could not draw back from a position once assumed by them.

In considering the claims of the parties the Commissioners adopted Commissioner Cloete's treaty of 5th October 1843 as a convenient starting point. It is objected that February 1840, the date of Panda's accession to the Zulu chieftainship, would have been a preferable date, and would have established the claims now so eagerly preferred on behalf of the Transvaal Government. The objection seems a specious one, but can be convincingly answered by references to well-known historical facts.

The claim now set up is that of conquest of the territory in dispute, and seizure by the proclamation of February 14th, 1840. It must be noted that this claim was not preferred before the Commissioners at Rorke's Drift, that the proclamation of February 14th, 1840, was not submitted to them, nor tendered in evidence, nor in any way referred to, and that the claim is now advanced for the first time.

The claim to the territory based on conquest is untenable, for it was never followed by occupation or the exercise of sovereignty. Merely to overrun a country and retire, or, as in this instance, to seize a large territory by the wide-reaching phrases of a proclamation, is not sufficient to found a title upon which, after the lapse of many years, and in a peaceful arbitration to eject the aboriginal inhabitants, or indeed any residents whatever. The Boers never relied upon a conquest of the territory, and never followed it up by occupation or the exercise of sovereignty.

If the year 1843 is too recent a date to start from, the Commissioners would, for the

purposes of argument, refer to the years of Chaka's conquests. It will not be denied that upwards of 20 years before the proclamation of 1840 was issued the Zulus had overrun and conquered the territory in dispute, that it was regarded as their territory in 1840, and that at any period subsequent thereto when the Boers sought to graze cattle, or occupy any of the territory, they did so not by virtue of their paper conquest, but by permission of the Zulu Chief, whose people to this day occupy the land, and whose sovereign rights over the territory were thus recognised.

The Transvaal delegates supported the Transvaal claims by alleged cessions of territory from the Zulu King in 1854 and 1861, and not upon conquest. Mr. Uys, the unofficial Transvaal delegate, in stating his case, which he very ably did, to the Commissioners, based his claim in the following terms: "May be they [the Boers] will be "friendly and be wanting in room, and I, Panda, will cut land off for them as my father "did." That was said in reference to the disputed territory now claimed.

The Commissioners also are not unaware that certain of the Boers, whose conquest is now set up, treated with Panda in 1847 for a cession of the Natal territory between the Tugela and Buffalo Rivers, and that the Natal Commissioners (Sir Thomas (then Mr.) Shepstone and Dr. Sutherland) in 1856, when ascertaining and fixing the Buffalo boundary more accurately, reported as follows:—"During our stay among the farmers "it was brought to our notice by them that they had obtained from Panda the cession "of the up-country beyond the Umzinyati, extending from the Blood River, called "Ncomo by the natives towards the north-west; they had subscribed among themselves "one hundred head of cattle for this land, which had been accepted by Panda."

His Excellency the Administrator of the Transvaal remarks in reference to the principle recognised by the Commissioners that the Zulu King is trustee of the Zulu territory for the Zulu nation, that it would "have been surprising to find that any true "Zulu entertained an idea so far in advance of the social and political beliefs of his "country."

The Commissioners adhere to the fact or principle above referred to, and maintain the accuracy and correctness with which the tenure of land in Zululand is described. They again assert the principles laid down in their main report, and re-affirmed in their supplementary report of 27th September last.

Without making any lengthened remarks in support of this principle, the Commissioners desire to be allowed to refer to the "Compendium of Kafir Laws and Customs," &c., compiled by direction of Colonel Maclean, C.B., Chief Commissioner in British Kaffraria, and printed by authority. Pages 145 to 147 contain some remarks on the "native law relative to land."

The Commissioners also desire to make one quotation in support of the general proposition. Mr. David Leslie was for many years a trader in the Zulu country, and in his book "Among the Zulus and Amatongas," published in 1875 by Macmillan and Co., he has given much information as to Zulus customs, &c. He thus describes the nature of land tenure in Zululand under date October 1869, and the terms which held good and were accurate then, hold good and are accurate now. The Commissioners adopt them as their own. "We must consider the conditions of property in land to the Zulu. "The land belongs to the nation, and the King is trustee. No man can hold it as his "own, and dispose of it at his pleasure; he may squat, but that is all, and is liable to "be removed for misbehaviour. The King, properly speaking, cannot allot any land "without the consent of the tribe in council, though in some small matters he may do "so say—to a single family—without thinking it necessary to consult his people, and "without their thinking it worth while to go against him. The Zulus have no idea of "selling land away from their control. When they speak of so-and-so having bought "a piece of land from the King, they invariably consider that it is only the right to "live on it during good behaviour which has been sold, and they never say so-and-so "has purchased the land, but 'a place to build on;' this, of course, only applies to the "whites, who are the only buyers."

It is not surprising, with the further testimony which might be adduced in support of this principle, that his Excellency the Administrator of the Transvaal, when Secretary for Native Affairs, Natal, and reporting upon the boundary dispute, should, in 1873, have recorded this very principle as having been advanced by the Zulus, who "asserted that "Panda had no right to grant land to a foreign power without the consent of the "nation."

The Commissioners naturally assume that it was in consequence of this publicly expressed opinion at the Coronation in 1873, that the Zulu delegates, at the opening of the inquiry held by the Commission at Rorke's Drift, stated most emphatically that "they were the mouth, eyes, and ears of Cetywayo, and also of the Zulu nation, in

" this inquiry," and further, that they represented, and were sent by the Zulu King and Zulu nation, to represent him and them before the Commission.

Sintwangu, a favourite messenger of Cetywayo, also appeared and claimed that he was authorised by the Zulu King to be present on his behalf, and did attend the Commission as the personal representative of Cetywayo.

Aware that this principle had been put forward in 1873 by Sir T. Shepstone, and as the Commissioners had before them the fact that a people claimed territory under an alleged cession from a native Chief, they were bound not only to inquire in to the circumstances attending the execution of such cession, but also the personal right of the Chief so to dispose of the territory belonging to the Zulu people.

The reference to the treaty of 5th October 1843, as far as Natal is concerned, does not impugn the principle laid down by the Commissioners.

The cession of the Natal district to Retief, for himself and the emigrant farmers for ever, was for services rendered. It was in the following terms: " To resign to Retief " and his countrymen the place called Port Natal, together with all the land annexed, " that is to say, from the Tegula to the Umzimvooboo River, and from the sea " to the north as far as the land may be useful, and in my possession." This cession was prepared by the Rev. Mr. Owen, the resident missionary at Dingaan's capital, and was witnessed by him. The services for which the cession was granted were notorious to the whole Zulu people, the consideration for such services was equally so, and to this formal document of cession " Dingaan and some of his principal councillors affixed their " marks after the tenour thereof had been fully interpreted to them by the Rev. Mr. " Owen." Commissioner Cloete in his Lectures, p. 94, states that the document " was " delivered over to me by the Volksraad in the year 1843, and is now (1852) (or ought to " be) among the archives of the Colonial Office here."

This cession complies with the principle already laid down, but the country was continuously occupied from that date until 1843, and indeed has been since. The treaty of 5th October 1843 was a treaty of peace and friendship, and not a cession of territory, but only the clearer definition of a boundary between the Zulu country and the Natal district years before ceded to the Boers, occupied by them, and conquered by English troops.

With the separate cession of St. Lucia Bay the Commissioners have nothing to do; it is not their province to inquire whether that cession of 25 years ago, never yet acted upon, has any binding force at the present time.

With regard to the boundary line specified, the Commissioners desire to state that the sketch map which accompanied their report was roughly prepared at Rorke's Drift after frequent consultations with the Transvaal delegates, who approved of the accuracy with which the various localities were recorded upon the map, and gave the information upon which it was compiled, and at their suggestions any inaccuracies in Jeppe's map were corrected.

The Commissioners desired that one of their number should inspect the country in dispute, and the unwillingness of Mr. Uys, the unofficial Transvaal delegate, to point out the disputed boundary in his position as delegate to a great degree prevented the examination of the country.

In reference also to Mr. Taylor, the Commissioners have to state that, though he was commissioned by Sir Theo. Shepstone in 1873 to inspect the boundary in dispute, and though he was at Rorke's Drift during the inquiry, the Transvaal delegates did not call him as a witness, the Commissioners cannot therefore be blamed for ignoring testimony never submitted for their consideration.

The Commissioners were indebted to Mr. Rudolph, the Landdrost of the district, for the information as to the non-exercise of sovereign rights and civil and criminal jurisdiction over the natives residing west of the Blood River.

As to the Magadile range of mountains, there is such a consensus of evidence that the Commissioners cannot admit that the Magadile mountains do not exist.

In the Parliamentary Blue Book (C.–2,000), p. 32, in the statement of Sindini and others, messengers from Cetywayo to the Lieutenant-Governor of Natal, they stated that he (Cetywayo) would only " claim along the ridge of Magidela, which is a ridge " running parallel with the Drakensberg (and out of which all the streams in the " country in dispute take their rise) until the ridge reaches the Blood River, which " then continues the boundary until it falls into the Buffalo River; hence all the " country above the Blood River from its commencement to its termination will " form part of the territory of the Transvaal, in which the township of Utrecht is " situated."

The Zulus when claiming a boundary before the Commission referred to the Magidela ridge as a spur of the Drakensberg, and the watershed, and as one of the main features of their boundary. Its existence was not denied; its position was pointed out by Messrs. Rudolph and Uys, and its locality defined on the map by them, and its position thus explained accepted by your Commissioners.

M. H. GALLWEY,
H. M. Attorney-General, Natal.
J. W. SHEPSTONE,
Acting Secretary for Native Affairs.
A. W. DURNFORD,
Lieut.-Col., Commanding Royal Engineers.

Pietermaritzburg, Natal,
18 November 1878.

No. 20.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART. G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Dec. 19, 1878.)

High Commissioner's Office, Pietermaritzburg, Natal,
November 16, 1878.

SIR,

WITH reference to the enclosures in my Despatch of the 6th ultimo* I have the honour to forward for your information the translation of a letter I have received from the inhabitants of Lüneburg, written since Colonel Wood, V.C., C.B., had moved some of his men there from Utrecht.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State,
Colonial Office.

Enclosure in No. 20.

TRANSLATION.

To His Excellency the High Commissioner Sir BARTLE FRERE, Governor of the Cape Colony.

Lüneburg, October 26, 1878.

EXCELLENCY,

WE, the undersigned, feel bound to tell your Excellency of our heart-felt thanks for your answer, dated the 30th September 1878, which you have given to our memorial. But especially do we thank you for the detachment of troops which has been stationed here for the last eight days. For the Zulus now see that we are not here alone by ourselves, but are the subjects of Her Majesty the Queen of England. Whether under God's gracious and wise ruling the coming time may bring us the long struggle of war, or turn to happier ways, we trust we now can stay in our dear Lüneburg, nor need to let our homes be destroyed by the Zulus.

We are your Excellency's true subjects, and, with God's help, hope so to remain.

(Signed) H. FILTER,
And eleven others

No. 21.

ADMINISTRATOR SIR T. SHEPSTONE, K.C.M.G., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received December 19, 1878.)

Government House, Pretoria, Transvaal,
October 22, 1878.

SIR,

I HAVE the honour to transmit for your information a return of the names of the volunteers killed in action or who have died from their wounds since the commencement of the Sikukuni operations up to the latest intelligence from the front.

I have, &c.
(Signed) T. SHEPSTONE,
Administrator.

The Right Hon. the Secretary of State,
for the Colonies.

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* No. 111 of C 2220 of Dec. 1878.

RETURN of TRANSVAAL VOLUNTEERS who have been killed in Action or have died of their Wounds.

Fort Burgers, October 10, 1878.

Date of Death.	Surname.	Christian Name.	Corps.
1878:			
April 30	Van Deventer	Gerrit	G. Van Deventer's Horse.
May 27	Oliver	E.	P. Raaff's Horse.
June 22	Chomse	Emil	J. P. Ferreira's Horse.
" "	Hicks	George	" "
" "	Wilson	H. M.	" "
" "	Degenkolu	J.	P. Raaff's Horse.
" "	Foley	Richard	" "
July 26	Fourie	L.	W. Van Deventer's Horse.
August 10	Bathe	Richard Garlic	" "
" 11	Hood	A.	P. Raaff's Horse.
" 18	Sturgiss	G.	J. P. Ferreira's Horse.

(Signed) GEO. B. CUMBERLAND,
Paymaster, Volunteers.

No. 22.

COLONIAL OFFICE to WAR OFFICE.

SIR, Downing Street, December 20, 1878.

WITH reference to previous correspondence respecting the despatch of troops to South Africa, I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the Secretary of State for War, a copy of a Despatch* from the Governor of the Cape of Good Hope, urging the necessity for reinforcements.

I am to observe that this application has been practically answered by the Despatch recently addressed to the Governor, announcing the decision of Her Majesty's Government to send additional troops to Natal; but I am to request that you will draw Colonel Stanley's notice to the concluding paragraphs of Sir Bartle Frere's Despatch, and to Sir M. Hicks Beach's reply, of which I am to annex a copy.

I have, &c.

The Under Secretary of State, War Office. (Signed) ROBERT G. W. HERBERT.

No. 23.

The RIGHT HON. SIR MICHAEL HICKS BEACH, BART., to GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I.

SIR, Downing Street, December 26, 1878.

MY attention has been drawn, in the course of recent correspondence with the Cape and Natal, to the conduct of Mr. J. Dunn and his position as a paid agent of the Natal Government in Zululand.

I find that my predecessor, in consequence of a representation from the Aborigines Protection Society, requested the Lieutenant-Governor of Natal to report upon the statement that Mr. Dunn had furnished the natives with arms and ammunition, and that from Sir Henry Bulwer's answer there was no reason to doubt the truth of the statement.

From subsequent references in your Despatches to Mr. Dunn, it would seem that in other respects he has acted in a manner quite inconsistent with the position of an agent of the Natal Government, supposing the statements made respecting him to be true. I shall therefore be glad if you will consult with Sir H. Bulwer as to whether he can properly be allowed to retain that position; but should you agree in the opinion that his services should be dispensed with, you will of course bear in mind, in deciding on the time at which this should be done, the exceptional relations now

* No. 6.

existing between the Natal Government and the Zulus, and the influence which Mr. Dunn, perhaps now the only white resident in Zululand, may be capable of exercising over Cetywayo.

I have, &c.
(Signed) M. E. HICKS BEACH.

Governor Sir Bartle Frere, Bart.,
&c. &c. &c.

No. 24.

The Right Hon. Sir MICHAEL HICKS BEACH, Bart., to Lieutenant-Governor Sir H. BULWER, K.C.M.G.

Sir, Downing Street, December 26, 1878.

I enclose for your information a copy of a Despatch* which I have addressed to Sir Bartle Frere, as High Commissioner, respecting the position of Mr. John Dunn, as paid agent of the Natal Government in Zululand.

I have no doubt that the anomalous position held by Mr. Dunn has engaged your consideration, and I shall be glad to learn whether you are of opinion that his further employment by the Natal Government in any capacity is permissible.

I have, &c.
(Signed) M. E. HICKS BEACH.

Lieut.-Governor Sir H. Bulwer, K.C.M.G.,
&c. &c. &c.

No. 25.

The Right Hon. Sir MICHAEL HICKS BEACH, Bart., to Governor the Right Hon. Sir H. B. E. FRERE, Bart., G.C.B., G.C.S.I.

Sir, Downing Street, December 26, 1878.

I have read with much interest the papers enclosed in your Despatch of the 9th of October,† on the subject of affairs in Pondoland, including the judicious reply which you made to the letter addressed to you by Umquikela, and Major Elliott's report on the St. John's River.

The selection of the station which should best answer the purposes for which it is required would seem to be a matter of some difficulty, and I trust that the transaction is not so far concluded that the 1,000*l.* must necessarily be paid for the site described by Major Elliott, should another and more suitable tract be available on further examination. I shall be glad to receive the further information upon this matter, with which you will doubtless supply me in due course.

I have, &c.
(Signed) M. E. HICKS BEACH.

Governor Sir Bartle Frere, Bart.,
&c. &c. &c.

No. 26.

Governor the Right Hon. Sir H. B. E. FRERE, Bart., G.C.B., G.C.S.I., to the Right Hon. Sir MICHAEL HICKS BEACH, Bart. (Received Dec. 27, 1878.)

Sir, High Commissioner's Office, Pietermaritzbrg, Natal, November 23, 1878.

I have the honour to forward for your information copy of a message received by the Landdrost of Utrecht from Cetywayo, and communicated to me by his Excellency Sir Theophilus Shepstone.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State,
Colonial Office.

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* No. 23.

† No. 128 of C 2220 of 1878.

Enclosure in No. 26.

SIR, Landdrost Office, Utrecht, October 27, 1878.

I HAVE the honour to report for the information of his Excellency the Administrator that Mozaza, Cetywayo's messenger, accompanied by three other men, came here yesterday, Umbemba having been taken ill on the road, saying that they had been sent to me by their King to say that he was very anxious to know why it was he received no more communications direct from his father, Sir Theophilus, and from me, as heretofore; that he had always considered me to be a just man and his friend, and that if he had done anything wrong why do I not tell him what it is, as I had always done; that he cannot endure the silence, and hoped I would be open with him and tell him all.

That Cetywayo instructed them to say that he was sorry to hear that many of the border farmers along the Blood River had trekked away, and that others contemplated leaving also, as he had never desired that the Boers should leave their farms, but that they should remain and live in friendly intercourse with the Zulus located on the opposite side of the river, so that when a calf strayed across the river from either side it would be returned to its owner in a neighbourly way.

That when he pointed to the land on this side of the Blood River and spoke about it he did not mean to claim it back, but only wished to point out that that land had been part of Zululand, the Amaxiwa on it proving the fact, and that he had done so merely to show that the white people ought to be satisfied with that portion of Zululand which they already possessed and occupied, and not claim or covet any more of his country.

The messenger said a great deal more, endeavouring to impress me with Cetywayo's friendly feeling towards the Government, and his desire to live in peace, and they wound up by saying that Cetywayo was very anxious to know from me what his father (Sir Theophilus) was doing, when he would return to Utrecht, and that he hoped I would keep him informed of all that was done.

I treated the messengers kindly and directed them to go back and say to Cetywayo that I had lately informed Cetywayo, by order of his Excellency the Administrator, that since the matters of the disputed boundary line and border questions were placed in the hand of the Natal governor, Sir Theophilus had no more communication to make to him (Cetywayo) on those subjects, and that it was for the same reason that I also had discontinued to correspond or communicate with him as I had done before.

I told the messengers that Sir T. Shepstone had always been a kind and just father to Cetywayo, and that I also had done my best to deal honestly and justly with him and the Zulus, who had given me a vast deal of anxiety and trouble along the border, and that I would continue so to do my duty.

Matters on the Swazi border have quietly subsided. I am informed that Cetywayo sent to summon Umbelini to appear before him in regard to his attack on the Swazis, and if rumours are true it will go hard with Umbelini. It is stated that Cetywayo at the time of Umbelini's attack on the Swazis was in treaty for rain with the Swazies, and that he is very angry with Umbelini because rain was refused on account of Umbelini's deeds.

Everything is quiet, Luneburg and along the Zulu border. The Abagulusi captains, assisted by Seketwayo, are doing their best to find and deliver up Von Rooyen's four cows.

Jan Uys and almost all the farmers have left the border, partly because water has failed, and partly because they are afraid of the Zuus. Andries Spieos and others in that neighbourhood also talk of leaving.

I have, &c.
Signed) G. M. RUDOLPH,
Landdrost.

The Hon. Secretary for Native Affairs,
Transvaal.

No. 27.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Dec. 27, 1878.)

SIR, Pietermaritzburg, Natal, November 25, 1878.

I HAVE the honour to forward for your information copy of a letter addressed by his Excellency the Lieutenant-General Commanding to the Secretary of State for War, respecting the present situation of affairs in Zululand, and the measures his Excellency has taken in view of a possible outbreak of hostilities.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State for War,
&c. &c. &c.

Enclosure in No. 27.

From Lieutenant-Governor LORD CHELMSFORD, C.B., commanding in South Africa, to the Right Hon. the SECRETARY of STATE for WAR.

SIR, Pietermaritzburg, Natal, November 25, 1878.

SINCE the date of my last Despatch nothing has been reported from Zululand to call for remark.

Messengers were despatched about the 17th instant by his Excellency the High Commissioner to the Zulu King, directing him to call his Great Council together to receive certain communications which would be ready for delivery to his messengers about the 7th December, in the neighbourhood of the Lower Tugela Drift.

This refers to the award of the High Commissioner as final referee on the Arbitration Commission on the disputed boundary, followed by certain demands considered necessary by his Excellency on behalf of the Imperial Government, in connexion with certain outrages committed lately on our border by those for whose good behaviour the Zulu King is responsible.

Guarantees for the future and reparation for the past are demanded, the main point being the present disbanding of his army, its future organization, and the reception of a British resident.

There is no doubt in my mind but that the guarantees demanded are absolutely necessary for the future peace of South Africa. As to whether they will be accepted or not is a question on which I do not venture to offer an opinion, but in the event of their non-acceptance, an advance into Zululand will be absolutely necessary.

The Zulu army is at present under arms, and their outposts and our own are within easy rifle shot every night in the Lower Tugela.

From the Utrecht district, Colonel Wood reports signs of restlessness, but I do not anticipate any overt act of hostility at present in that direction.

The 1/13th Light Infantry are now at Derby, and will shortly move to the neighbourhood of Lüneberg. The Frontier Light Horse is between the latter place and Utrecht, recruiting after their late severe work, and great loss in horses. The 1st Squadron Imperial Mounted Infantry under Major Russell is concentrating for a like purpose at Standerton.

The five companies of 1/24th will arrive here in a few days from King William's Town on their way to Helpmakaar, in the neighbourhood of Rorke's Drift.

The Natal Mounted Volunteers are to be called out at once, and within ten days from now the whole European force, Imperial and Colonial, available for operations in Zululand, should such be found necessary, will be concentrated at the posts already decided upon, whence an advance can be made.

As to my power, however, of moving these forces within any specified time from now I am not at present assured, the difficulty lies in the commissariat and transport arrangements necessary to enable the troops to advance and live in an enemy's country, which is destitute of any supplies beyond cattle. On this subject, however, I have the honour of addressing you by this mail in a separate letter.

The European Cadres for the Natal Native Contingent (which will number 7,000 natives) are arriving and will be in their districts within a week's time, but delay will arise in mobilizing them, owing to my demands on the Surveyor General of the Ordnance for camp equipment not having been met. It is impossible at this time of the year to encamp a force without shelter of some kind.

The information from the Amaswazi, forwarded by the Commissioner, Captain M'Leod, is not, I consider, of altogether an unsatisfactory nature, inasmuch that though they decline to join us until they see that we are more than a match for the Zulus, yet there is every reason to believe that after the first success they will be found on our side.

With the sanction of his Excellency the High Commissioner I am recruiting 300 mounted white men in the Wodehouse District of the Cape Colony with the view of increasing the Frontier Light Horse from 200 to 300 men, and supplementing the force of mounted infantry under Major Russell.

This would not have been necessary to the same extent, had the reinforcements from England, for which I applied, been likely to arrive.

Reasons of economy, together with inability to find officers, alone prevent my asking for permission to raise a larger number, but it is right I should inform you that the cheapest military force in South Africa is, without doubt, a British regiment, and I have found that men drawn from its ranks, after a short training, are preferable for mounted duties to the usual Volunteer corps.

I have, &c.
(Signed) CHELMSFORD,
Lieutenant-General.

No. 28.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Dec. 27, 1878.)

High Commissioner's Office, Pietermaritzburg, Natal,
SIR, November 25, 1878.

I HAVE separately forwarded a copy of the memorandum which, as I mentioned in paragraph 8 of my Despatch of the 11th instant,* I proposed to lay before his Excellency the Lieutenant-Governor, regarding the guarantees which should be demanded from the Zulus for the better security of future peace in this part of South Africa.

2. On the 16th instant his Excellency forwarded a message to Cetewayo, requesting him to send properly qualified persons (Indunas, &c.) to receive the award in the case of the boundary dispute, and such further communications as this Government has to make to him. It is probable that about a fortnight more must elapse before the messengers can meet, at the Lower Tugela Drift, the British officials deputed by his Excellency the Lieutenant-Governor to convey the terms of the High Commissioner's award, and further communications regarding our future relations with the Zulus.

3. There is little change indicated in the very small amount of news which reaches us from Zululand. The King seems at last awakening to a sense of the gravity of the situation, and there is continued evidence that his principal Chiefs are by no means of one mind, as to whether they will support him or not. Nothing very decisive on this point can be expected till they have discussed together the exact terms of my communications to him.

I have, &c.
The Right Hon. the Secretary of State, (Signed) H. B. E. FRERE,
&c. &c. &c. Governor and High Commissioner.

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* No.

No. 29.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Dec. 27, 1878.)

High Commissioner's Office Pietermaritzburg, Natal,
November 25, 1878.

SIR,

I HAVE the honour to forward for your information copy of Despatches and enclosures which his Excellency Lieutenant-Colonel Lanyon has received from Major Warren, R.E., describing the recent operations undertaken by him and by the forces under his command.

These very difficult operations reflect great credit on Colonel Warren and the other officers engaged.

The services of Captain Stanley Lowe, who commanded in the action of October 12, of Captain Back, who repelled the rebels in their attack on Moosfontein on September 27, and of Lieutenant Davis, of the Buffs, who commanded the troop of Mounted Infantry during the recent operations, are specially mentioned. Captain Brunker who was specially detailed by his Excellency the Lieutenant-General to assist in these operations has since rejoined head-quarters.

I am glad to learn by telegraph, that an amnesty was proclaimed on the 13th instant by his Excellency the Administrator, whose proceedings in this, as in all the arduous operations of the last six months, seem to me to merit the cordial approval of Her Majesty's Government.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State,
Colonial Office.

Enclosure in No. 29.

GOVERNMENT NOTICE. No. 164, of 1878.

Colonial Secretariat, Kimberley,
November 2, 1878.

HIS Excellency the Administrator directs the publication, for general information, of the following Despatches from Colonel Warren, dated the 16th and 21st October, with reference to the field operations.

The publication of these Despatches has been delayed in consequence of their having been detained at Kuruman.

By command of his Excellency the Administrator.
(Signed) FRANCIS VILLIERS,
Acting Colonial Secretary.

To His Excellency Lieutenant-Colonel W. O. LANYON, C.M.G., Administrator, Griqualand West.

SIR,

Gobatsie, October 16, 1878.

IN continuation of my report of the 4th instant, I have the honour to relate the successful result of the field operations up to the present date.

I left Moosfontein on the 4th instant with Griquatown column for Putsfontein, where the Kuruman column was awaiting my arrival. On the following day I was joined by the column from Daniel's Kuil, and the combined force moved on to Bessiesput on the 5th November.

Spoors of Kafirs were observed in many parts of the Blinklip Valley, probably scattered portions of the force which attacked Captain Back at Moosfontein.

From Besiesput we proceeded by detachments to Vogel Water, where there is a deep well from whence water could be handed up in buckets for the supply of about half the force. This well is about 16 miles from Surrumaning, in the Langeberg, where the enemy was reported to be concentrated. Upon this post we advanced on the 6th instant, arriving at sundown. The enemy were found to have left here some days before.

Surrumaning is situated on the east side of the Langeberg, opposite to Andriesfontein. It has but a weak fountain which could not supply a third of our force. I therefore distributed the troops over the several fountains in the neighbourhood, but with every care I was unable to obtain sufficient water, and the oxen suffered considerably.

Patrols were sent over the mountain to Andriesfontein, where a number of grass huts with scances inside were found, but the enemy had left some days before, Some Bushmen prisoners were here taken, who stated that the enemy have concentrated in Makolokwe's Mountain at Lithlou or Liklung. On the 8th instant, a patrol was sent round the northern end of the mountain, and all spoors of the enemy found to proceed in a northerly direction, confirming the statement of the Bushmen.

We therefore left the Langeberg on the night of the 9th instant, arriving before Lithlou or Liklung shortly after daybreak.

Lithlou is a village at the mouth of a kloof containing extensive waters on south side of Makolokwe's Mountain, and presents every facilities for a defensive position. We therefore proceeded with caution to the attack, but passed one natural defensive after another without being molested, until we arrived at the waters, the enemy having only very recently left this position.

Some were seen still trekking up the kloofs, and some skirmishing took place with them, and prisoners and cattle were brought in. From these prisoners it was ascertained that Donker Malgas, Windwaai Gamga, and Sampie, with the whole force of Kaal Kafirs, Griquas, Batlaros, and a tribe from the Orange River were concentrating on the waters to the north of Makolokwe's Mountain in great numbers.

On the 11th instant I proceeded to reconnoitre and attack the enemy. For this purpose I sent Carrington's Horse, with 6-pounder guns, under Major Brunker, by the left to the mouth of the Gamgagiana waters. Captain Blackbeard, with D Troop, Diamond Field Horse, I sent to right to the mouth of the Gobatsch Kloof, and went myself over the mountains with the B Troop Diamond Field Horse, the One Star Contingent, the Light Infantry (B and C companies), and two companies of Zulus. On our way over the hills the light infantry and a portion of the Zulus separated to the right on being called upon by Captain Blackbeard for assistance, and the centre column was thus reduced to the mounted men and about 50 Zulus. There was no path, and we were obliged to take our horses over the rocky mountain sides. About 11 a.m. we reached the summit of the mountain overlooking the watered valleys of Gamgagiana and Makolokwe, on the west and east of Makolokwe's Mountain. After waiting some time for the return of the light infantry we proceeded to descend into the Gamgagiana Valley, where the Kafirs were massed in great numbers, and where we thought we could distinguish the sound of the explosion from the 6-pounder gun. The mountain side was almost inaccessible for horses; and though we arrived at the bottom about 4 p.m. we did not get our horses down till sunset. We were here about two miles above the enemy's waggons. In the meantime Major Brunker had, in taking the Carrington Horse through the kloof to the Gamgagiana Valley, been fired upon by the enemy, one of his men mortally wounded. He pushed on, however, to the mouth of the valley and shelled the enemy, advancing as far as their waggons; but not seeing anything of my party, who were then descending a kloof, he returned to camp with his wounded.

We were thus in the further end of the enemy's stronghold, and while searching for a position to hold during the hours of darkness we were attacked by the enemy, but the Zulus, who were nearest, repulsed them with great spirit and drove them back. We then proceeded down the valley to the waggons, and made a laager of them. Messengers were sent in two directions to our camp, but were driven back by the enemy. In the morning we proceeded down the valley, and had some skirmishing with the Kafirs on the hill sides, who did not attempt to bar our passage, being apparently much astonished at our appearance in the middle of their stronghold. On turning down south we were again attacked, but the enemy kept retiring up the hill sides, sending long shots after us.

It was evident from what we saw of the Kafirs on the hills that they were in strong force, from 1,200 to 1,400, but that they were puzzled by our movements, and unable to decide how to act together.

On arrival in camp I found that Captain Lowe, who took command when he joined Captain Blackbeard's troop, had obtained a further reinforcement of the A Troop, under Captain Back, and that a severe fight had taken place in Makolokwe's Kloof, resulting in a complete rout of the enemy, 42 of whom were killed, 7 waggons and 100 head of cattle captured.

The report appended gives an account of this action:—Trooper Jubber was killed; trooper Niekerk dangerously, and trooper Wood slightly wounded.

Finding the enemy far too numerous to surround with the force available, I decided to take them in reverse by coming over them at the Gobatsie Kloof. I therefore, on the 13th inst., removed the whole force from Liklong to Gobatsie, which I found deserted.

That evening I reconnoitred and found that by ascending a range over 1,000 feet in height we could overlook the camp and the waggons of the enemy, who could be seen building scances against a supposed attack from the west.

Although the hill was extremely steep and rugged, I considered it desirable to make every effort to get a field piece up to the top.

We started with the whole force at 3.30 a.m. on the 14th inst., and, owing to the great exertions of the volunteers and Carrington Horse, were enabled to drag the gun up to the top of the hill by about 10 a.m. It was now put into a position overlooking the kloofs about the waggons.

The enemy were at first seen driving cattle up the valleys in our direction, evidently expecting an attack from the west, and on discovering our position, run about in all directions making arrangements to alter their line of defence. They abandoned the kloofs near to us into which the gun could fire, and took possession of one about a mile long, surmounted by a line of precipitous and craggy rocks which appeared to be almost impregnable.

I now sent the A and B Troops, Diamond Field Horse, out to our right under Captain Bellew, to prevent the enemy outflanking us, and to drive them down the valley, and shelled their several positions.

At 10.30 a.m. I sent Lieutenant Bradshaw with a small party to overlook the waggons; he reported that the Kafirs were leaving the scances there and retiring into the kloof.

I then sent the Carrington Horse Light Infantry, and One Star Contingent, and Zulus in succession to take up the line overlooking the kloof in which the Kafirs were. After some sharp skirmishing they were enabled to drive them out and to charge the craggy rocks, at the same time the A and B Troops came over the top.

Had the enemy behaved with the pertinacity shown in former actions they would have suffered most severely, but they appeared to be completely taken aback by the position we had taken up, and by the appearance of the gun in so unexpected a position, and they kept up a running fight rather than make a determined stand. The whole action was over by about 4 p.m., and the enemy dispersed on every side. We appear to have killed 36 of the enemy, captured about 21 waggons and about 600 head of cattle, and took a number of prisoners, male and female.

This result was obtained without any casualty whatever on our side, and I attribute this happy result in a great measure to the method of attack, for had we advanced from the west we should have found natural defences of great strength when we should not have failed to have lost many lives.

I am under the impression that this action will have a very good effect upon the enemy generally, as they now see that we can not only attack them and rout them from the front, but can also take horses and guns up their steep mountain sides, and come down upon them, so that there is no security for them.

I am under the impression that they will now break up into a band of marauders, but before they do so, I will try to persuade them to surrender.

I am now sending the prisoners, waggons, cattle, &c. into Griquatown, and to-morrow I intend to endeavour to strike another blow at some of the bands still lurking about the hills.

As far as I can ascertain the greater portion of Makolokwe's tribe are fighting with the enemy, but are attempting gradually to get away to Debing, and become absorbed among the peaceful portion of the tribe. I have, therefore, sent a troop to Debing to watch their proceedings.

There has been much hard work during the last few days, especially in getting up the gun into position, and I cannot speak too highly of the excellent spirit shown both by the regular forces and the volunteers throughout the whole proceeding.

I have, &c.

(Signed) Charles Warren, Colonel,
Commanding Field Force, Griqualand West.

Sir, Gobatsie, October 21, 1878.

In continuation of my report of the 16th inst., I have the honour to furnish further details:—

1. In order to avoid confusion of names I have called the action of the 11th inst. Gamgagiana, of the 12th inst. Makolokwe, and of 14th inst. Gobatsie Heights, after the names of the places where they occurred.

2. I append a list of the killed and wounded during the present campaign, showing description of wounds and other necessary information.

3. As the Carrington Horse are required on the Zulu border, I have sent them this day, viâ Khosis and Daniel's Kuil, to Barkly, there to await your orders. Major Brunker, late Assistant Adjutant-General, accompanies them. My best thanks are due to Major Brunker for the able assistance he has rendered in the organisation of this field force, and for his services in the field during this campaign, also to Lieutenant Davis and the Carrington Horse for the good services they have performed, both when actively engaged in the field and also for the more irksome duties of night patrolling, &c.

4. It appears probable that the number of the enemy killed in the actions of 11th, 12th, and 14th inst. amounts to nearly 100, for the prisoners state that one shell on the 11th inst. killed 19 men, and that several of the enemy were killed by shells on the 14th inst. These results I was not aware of when writing my report of 16th inst., nor have I as yet verified them.

5. Every day brings intelligence showing more positively that the rout of the enemy on the 14th inst. was most complete, and I may say final so far as the Bechuana and Batlapins are concerned, but no doubt the Griquas, Korannas, and Kaal Kafirs will fight again and again. The enemy have dispersed from these mountains in all directions. The Kaal Kafirs and some Griquas have gone to the Orange River, the Korannas and some Griquas to Segoup and Majiecomet; Klein Lucas Kok with a few men have trekked to north-east, probably into the desert, the Batlaros and a body of Griquas have gone to Ceining, beyond Gomaperie. The Burness murderers have scattered; some were in these mountains yesterday, but they escaped towards the desert. Some of the natives who were in some measure connected with the murder at Daniel's Kuil have been captured in possession of a few of the effects of the late Mr. Burness; among other things, his masonic apron was found on one of them. I sent the C Troop, Diamond Field Horse, to Debing after the action of Gobatsie Heights, and there three waggons were stopped on the trek from here to Ceining, owned by people from about Daniel's Kuil.

6. 235 prisoners have been sent into Griquatown from these mountains, viz., 24 men, 97 women, and 114 children. Among others the witch-doctor of Makolokwe, and some of his near relations, but his son Sampie is still at large.

7. In all 32 wagons have been captured, 900 head of cattle, about 2,000 sheep and goats, and 50 horses. Much of the stock will probably prove to be stolen, as it is well known that not only the rebel but also Makolokwe's people have been stealing cattle from the Province for some months past.

8. I have seen Makolokwe at Debing. He states that he has been unable to control his people, that some of them went down to fight at Campbell in June, that there were many in the attack on Moosfontein, and that a large number refused to go with him when he trekked away from his station, and cast in their lot with the Griqua rebels, and fought against us on the 12th and 14th instant, that those who were not killed trekked with the Griquas to Ceining. There appears to be much proof that Makolokwe himself is implicated with the rebels, but he is very old and has scarcely any influence with those who were his people. His eldest son, Totin, appears to have kept himself generally clear of the Griquas, but he has very few followers. Tupan, one of Mokolokwe's councillors, appears to have kept himself quite clear throughout, and is now at Katus; I have seen him, and he wishes, with his followers, to settle again at his old station, Blinklip. It seems to me essential for the preservation of peace that those natives who have remained loyal, or who have no strong proof against them of being implicated with the rebels, should be allowed to settle down at once and be permitted to sow their lands, otherwise there will be a famine in the land, and they will be obliged to steal from their necessities. I have therefore made the following arrangements, to be carried out at once, pending your approval; Totin (with Makolokwe) and about 100 men to settle down at once at Mokolokwe's old station, and to commence ploughing lands at Gamagara; Tupan, with about 100 men, to go at once to settle at Blinklip; a headman with 50 men to settle at Debing. All these people are now being registered, and are warned that they will be held responsible that no marauders and thieves are allowed to pass through their villages without due notice being given to the border police, and that they are themselves to interrupt them if strong enough. With regard to those people of Makolokwe who have fled to Ceining or elsewhere, it remains to be seen whether they intend to fight or surrender before any measures can be taken to settle them down. There are, I believe, several families of Batlaros at Kuruman who will require locations. I am under the impression that by settling these people down at once under efficient police supervision, and by making them responsible that no thieves pass through their villages, the Province may be settled in peace in about six weeks, provided the border police is kept up an in efficient manner. I am about to leave a troop of Diamond Field Horse to act as border

police here, and will then proeeed to Ceining, where I hope to bring the enemy to terms.

9. I hope ere this you may have heard that Colonel Bayly has been successful on the Orange River, as it is from thence that cattle lifting from the Province will probably take place.

I have, &c.
(Signed) CHARLES WARREN,
Colonel Commanding Field Horse, Griqualand West.

To the ASSISTANT ADJUTANT-GENERAL in Camp.

SIR, In Camp, October 13, 1878.

I HAVE the honour to report that on the afternoon of the 11th October 1878 I received a message while I was at Makoloque's Kraal from Captain Blackbeard, Diamond Fields' Horse, that the enemy were in force in an adjoining kloof. I immediately proceeded to Captain Blackbeard's assistance with the men under my command. On arrival at the kloof it was sundown. I therefore considered it advisable to postpone the attack until the following morning. Having sent a report to head-quarters for reinforcements and rations, Captain Smart, Light Infantry, with the remainder of his company, and rations, arrived that night.

The following morning, at daybreak, after reconnoitring the ground, we proceeded to attack in the following manner:—18 Zulus, under Lieutenant Wright, took up a position on a kopje on the extreme right; A Company, Light Infantry, under my command, and D Toop, Diamond Field Horse, under Captain Blackbeard, up the centre of the kloof; and B Company, Light Infantry, under Captain Smart, as a flanking party, on the extreme left. After advancing in this order without seeing any of the enemy for about a mile, we were reinforced by A Troop, Diamond Fields Horse, under Captain Back. I extended the Zulus and a company of infantry to the right, and Captain Back took up a position with his troop between D Troop, Diamond Fields' Horse and A Company of Infantry. From here the bottom of the kloof narrowed considerably, and after proceeding a short distance, on coming to a branch kloof on the left we engaged the enemy, killing five of their number. Continuing the advance we were again fired at from a branch kloof on the right, when Trooper Niekerk, A Troop, Diamond Fields' Horse, was severely wounded by enemy concealed in caves. In covering the wounded man, and endeavouring to get a sight of the enemy in the caves, I regret to state one man, Trooper Jubber, A Troop, was killed, and Trooper Wood, D. Troop, was slightly wounded. The Zulus and a company of light infantry having continued their advance over the side of the hill, where they commanded the head of the kloof, being there engaged with the enemy, Captain Back, with A Troop, Diamond Fields' Horse, proceeded to their assistance, with instructions to work round the head of the kloof and bring down all cattle. Before returning he engaged the enemy, killing 15 men, and capturing a number of women, children, and two men prisoners, and returned down the kloof. We had to keep up a fire on the enemy in the caves to enable us to remove the killed and wounded, when several of the enemy were shot. We started for camp, destroying seven waggons not worth removing, bringing in the cattle and prisoners. I have great pleasure in stating that I received every assistance from the officers and men engaged, more especially from Captain Back, Diamond Fields' Horse, who assisted me with his advice and action.

I have, &c.
(Signed) STANLEY LOWE,
Captain, Griqualand West Light Infantry.

To His Excellency Lieutenant-Colonel W. O. LANYON, C.M.G., Administrator, Griqualand West.

SIR, Kuruman, October 29, 1878.

IN continuation of my report of the 20th instant I have the honour to state that after constant patrols in and around the mountain of Makolokwe, during which time many prisoners and much cattle were taken, it was found that the country was quite clear of the enemy, and that Segoup was reported to be deserted.

1. I therefore arranged for the movement of the Field Horse to Kuruman, for the purpose of settling the country there, and capturing the rebels reported to have fled to Ceining and the Mashowing River.

2. At Gobatsie I left the B Troop, Diamond Field Horse, under Captain Bellew to act as the first detachment of the Border Police. They are located at the house of Saunderson, around which a stone wall has now been built.

3. The force left Gobatsie on Thursday, 24th October 1878, by four routes, so as to sweep the country of isolated bands of marauders. Lieutenant Green, with C Troop, Diamond Field Horse, passed from Debing to Katus. Lieutenant Williams, with Army Service Corps, passed to south of Debing to Katus. The main body marched direct to Katus. The three columns there met together, and arrived at Kuruman on 27th inst. The oxen having suffered considerably by the drought, it has been found necessary to send all the oxen out for a few days to a fountain near here, where there is good grass.

The Diamond Contingent, under Captain McPherson, marched by Gamagiana to Khosis, and there met the A Troop, under Captain Back, which had marched to Blinklip, thence to Groenwater, and to Blinkfontein; these two troops arrived here to-day. All the waters between this station and Makolokwe's have now been visited and cleared of rebels and marauders, and a large number (about 40 men) of prisoners have been brought in. Most of them have for some time past been stealing cattle in Griqualand West.

4. On the 27th instant I received a report from Captain Bellew that a body of natives had again appeared in Makolokwe's mountain, and as it is possible that these may be blood Kafirs returning from the Orange River, I have sent back Lieutenant Green with C Troop Diamond Fields Horse, a 6-pound gun, and 15 of the light infantry. I am myself under the impression that the natives alluded to are some who hid themselves near Blinklip after the fight at Moosfontein, and who have only just arrived at Makolokwe's Mountain from the east.

5. On the 28th instant I sent Mr. Bethell direct to Kuruman with information that the rebel Griquas had fled by Majinmakota to Ceining; on his arrival there Morwe had already left to intercept any rebels passing that way, but his conduct was such that it was considered desirable to send a party of mounted men from the Kuruman garrison to watch his proceedings. This proved to be a very necessary precaution, for these men, under Lieutenant Master, had to do the whole work of intercepting these rebels, and are worthy of great praise for the manner in which they performed it. He proceeded with his party to Ceining and thence to some waters beyond, where the rebels were found; some of them were proceeding onwards to Moroquin, while others were still in the direct west of Ceining, quite exhausted for want of water; water had to be sent out to the women and children before they might be moved. Some prisoners of importance have been taken, viz.:—Klein Lucas Kok and three sons, Piet Visscher or Vister (brother to Jan Vister, killed at Moosfontein), Samuel Moos, Jan and Lucas Rooi, Saul Lucas Kok, Piet and Jacob Kruger (sons of Nicholas and Carl Kruger), Andries Fortuin, Esau and Samuel Janje, Dekartchu and three sons, Moliti and two sons, Seti and two sons (possessors of Burness property and concerned in the attack on Campbell). Most of the Griquas have good rifles and plenty of ammunition, but they offered no resistance, being in each case taken by surprise. 120 women and children were taken, 16 waggons, and 170 head of cattle.

6. With regard to the women and children, I will release and hand over all those to such friends in Kuruman as will engage to feed and keep them; many of them have near relations here; the others I will send on to Kimberley.

7. Mr. Bethell, who accompanied Lieutenant Master, has proved himself so useful in his intercourse with the natives that I have put him in charge of the Intelligence Department, with rank of Lieutenant, pending your Excellency's approval.

8. There are a considerable number of natives, rebels, cattle stealers, &c., of all nationalities, harboured by Morwe, on the Matlarin and Mashowina Rivers; for the capture of these I have sent out the D Toop and Kimberley Horse, and a party of infantry and Zulus, and I hope to have all this portion of the country settled and quiet in about 10 days; but a strong force of Border Police will be required near Kuruman for some time to prevent cattle stealing.

9. I am sending letters to Brika and the Chief of Morokwane, with reference to the rebels who have passed on to their part of the country.

10. I am endeavouring to make such arrangements as will allow all the people who are quiet to go on with their ploughing at once, so as to prevent a famine in the land.

The prisoners are now so numerous that I have no time in this report to give a detailed account of them, but it appears certain that we have secured those who were actively engaged in the murder of the Burnesses.

I have selected from the Basutos who fought at Gomaperi, and who have given themselves up since then, six men to fight with our forces. They are British subjects, and

three is but one account among them all. I think that by taking a few of them thus into our pay it will serve to close up the gap which at present exists between the rebels and the British Government, and endeavour to create in them a friendly feeling.

I have, &c.
(Signed) CHARLES WARREN,
Colonel Commanding Field Force, Griqualand West.

No. 30.

COLONIAL OFFICE to WAR OFFICE.

SIR, Downing Street, December 28, 1878.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Secretary of State for War, a copy of a Despatch from the Governor of the Cape of Good Hope,* with one from the Administrator of Griqualand West, enclosing reports from Colonel Warren and Captain Back, of the Diamond Fields Horse, of actions which had taken place with the rebels in that province.

I have, &c.
The Under Secretary of State, War Office. (Signed) ROBERT G. W. HERBERT.

No. 31.

The RIGHT HON. SIR MICHAEL HICKS BEACH, BART., to GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I.

SIR, Downing Street, December 30, 1878.

I HAVE the honour to acknowledge the receipt of your Despatches of the 8th and two of the 9th ultimo,* enclosing correspondence between yourself, Sir T. Shepstone, and Mr. Rudolph, Landdrost of Utrecht, relative to the information to be given to certain Zulu messengers who had arrived there to inquire on behalf of Cetywayo's brother, Oham, as to the intentions of the British Government in regard to the Zulu nation.

I have to convey to you my approval of your action in this matter.

I have, &c.
Governor Sir Bartle Frere, Bart., &c. &c. &c. (Signed) M. E. HICKS BEACH.

No. 32.

The RIGHT HON. SIR MICHAEL HICKS BEACH, BART., to the RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I.

SIR, Downing Street, December 30, 1878.

I HAVE the honour to acknowledge the receipt of your Despatches† with reports of the actions which had taken place at Moosfontein and Jamjiana with the rebels in Griqualand West.

I request that you will express to Colonel Warren and Captain Back my appreciation of their gallant and effective services on those occasions.

I have, &c.
Governor Sir Bartle Frere, Bart., &c. &c. &c. (Signed) M. E. HICKS BEACH.

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* No. 29.

† Nos. 7, 9, and 10.

No. 33.

The Right Hon. Sir MICHAEL HICKS BEACH, Bart., to Governor the Right Hon. Sir H. B. E. FRERE, Bart., G.C.B., G.C.S.I.

Sir, Downing Street, December 31, 1878.

I have the honour to acknowledge the receipt of your Despatch of the 16th November,* in which you acquainted me that you proposed that the report of the Boundary Commissioners as to the disputed territory between the Transvaal and Zululand should be accepted unaltered, and at once communicated to Cetywayo, together with a statement of the demands of the British Government for reparation for the past and security for the future, including the observance of the promises made by Cetywayo at his coronation.

2. In this Despatch your refer incidentally to an intention to appoint a British Resident to represent British interests in Zululand, and in your Despatch of the 25th November,† you enclose a copy of one from Lord Chelmsford, from which I learn that it is also proposed to require that the Zulu army shall be disbanded.

3. The enclosures by which your Despatch of 16th November should have been accompanied, comprising a copy of your award and other papers connected with the boundary question, have not yet been received; but so far as I am able to judge of your action on this subject from the brief statement in that Despatch, I think that it meets the requirements of the case with which you were authorised to deal.

4. On the other points included in your message to Cetywayo I am unable to express an opinion, in the absence of any definite information as to the nature of your demands, or the reasons for which you have deemed it necessary to make them. Before adopting the policy on which they are based, you have, of course, fully considered the relations which have existed between the Colonial Governments and the Zulu nation, and the peculiar circumstances under which Sir T. Shepstone took a prominent part in the coronation of Cetywayo. Although on more than one occasion remonstrances have been addressed to Cetywayo by the Government of Natal, more particularly on subjects falling within Sir T. Shepstone's injunctions, it would seem that the power of imposing obligations upon the Zulus in matters relating to their internal government which Sir T. Shepstone, somewhat unexpectedly, found to be attributed to him at Cetywayo's coronation, was rather a concession on the part of the Zulus to his personal influence than a recognition by them of the authority of the Government of Natal; nor has that Government hitherto undertaken the responsibility of compelling the execution of the promises then made. It is evident that the assumption of such a responsibility could be justified only by full proof of its imperative and pressing necessity for the safety of the interests of Her Majesty's subjects in South Africa, and of the practicability of securing compliance on the part of Cetywayo with the undertakings into which you have apparently required him to enter.

5. I make these observations in order to indicate, as far as I am now able, the points on which I am in need of that full and precise information which I trust shortly to receive from you, and not with the object of expressing any conclusion, which, as I have before stated, I do not now attempt to form.

I have, &c.
(Signed) M. E. HICKS BEACH.

Governor Sir Bartle Frere, Bart., &c. &c. &c.

No. 34.

The Right Hon. Sir MICHAEL HICKS BEACH, Bart., to Governor the Right Hon. Sir H. B. E. FRERE, G.C.B., G.C.S.I.

Sir, Downing Street, December 31, 1878.

I have the honour to acknowledge the receipt of your Despatch of the 16th of November,‡ forwarding the translation of a letter which you had received from the inhabitants of Luneberg, expressing their thanks for the protection afforded them by Colonel Wood.

I have, &c.
(Signed) M. E. HICKS BEACH.

Governor Sir Bartle Frere, Bart., &c. &c. &c.

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* No. 19. † No. 27. ‡ No. 20.

No. 35.

The Right Hon. Sir MICHAEL HICKS BEACH, Bart., to Governor the Right Hon. Sir H. B. E. FRERE, Bart., G.C.B., G.C.S.I.

Sir, Downing Street, December 31, 1878.

I have the honour to acknowledge the receipt of your Despatch of the 11th of November,* reporting on the aspect of affairs in Zululand.

I have, &c.

Governor Sir Bartle Frere, Bart., &c. &c. &c. (Signed) M. E. HICKS BEACH.

No. 36.

Governor the Right Hon. Sir H. B. E. FRERE, Bart., G.C.B., G.C.S.I., to the Right Hon. Sir MICHAEL HICKS BEACH, Bart. (Received Jan. 2, 1878.)

High Commissioner's Office, Pietermaritzburg, Natal,

Sir, November 29, 1878.

I have the honour to transmit, for your information, a Despatch I have received from his Excellency the Administrator of Griqualand West, on the subject of the land question in that Province and the causes of the war, and, in reply to Mr. James's question in the House of Commons, forwarded in your Despatch of the 18th July,† to the letter of the "Aborigines Protection Society," forwarded in your Despatch of the 25th July,† and to articles in the "Cape Argus" newspaper, and statements made in the House of Assembly at Cape Town during its last session.

2. It does not seem to me necessary that I should add anything further than an expression of my own opinion that these papers contain satisfactory proof in support of Colonel Lanyon's and Major Warren's position, that they are not answerable for any act or omission which might cause either disaffection or rebellion in the Province or its neighbourhood.

I further think that, as far as an answer can be given to such vague and general charges as those referred to in the enclosures, nothing can be more complete than Colonel Lanyon's refutation of them.

I have, &c.

The Right Hon. the Secretary of State, Colonial Office. (Signed) H. B. E. FRERE, Governor and High Commissioner.

Enclosure in No. 36.

Sir, Kimberley, November 19, 1878.

I have the honour to acknowledge the receipt of your Excellency's three Despatches as follows:—

Of 11th of June, forwarding a leading article from "The Argus," and also reports of the debates in the Cape House of Assembly on the land question of Griqualand West, and the causes of the War.

Of the 13th August, covering the Secretary of State's Despatch of the 18th July, forwarding a copy of Mr. James's question in the House of Commons, regarding alleged cruelties on the part of our volunteers, and asking that "He should receive more "complete explanations than are at present before him respecting the necessity for "the measures taken by Colonel Lanyon, and the manner in which they have been "carried out."

Of 24th August, covering Secretary of State's Despatch of 25th July, forwarding copy of a letter from the Aborigines Protection Society, and "desiring me to forward "any observations which I may have to make thereon."

2. In a separate Despatch of the 24th September, I have addressed your Excellency on the subject of alleged cruelties. It remains for me to reply to the other subject-matter contained in those Despatches.

3. I have referred these Despatches to Colonel Warren, as I was anxious to secure his opinion on the several points connected with them in which he is interested; and I also asked the Surveyor General, Mr. F. H. S. Orpen, to let me have his views on the same, as he has been a resident official both under the Griqua and the present Government since 1867. I append copies of their reports. I also append an extract from a letter written by the Rev. A. J. Wookey, one of the missionaries at Kuruman, showing his views on the subject of the cause of the war.

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* No. 12.

† Nos. 114 and 122 of C.-2144 of 1878.

4. Were I to go minutely into the causes which led the natives in and about this Province to take up arms against Her Majesty's rule, I fear it would necessitate my beginning with the causes of the war in the Cape Colony, and also the disastrous action taken by President Burgers against Sikukuni in the Transvaal.

5. I have no doubt in my own mind that most of the recent native troubles in South Africa had their origin in the aggressive native policy of the late South African Republic, which, when resisted by Sikukuni, it was unable to enforce.

6. The policy in the Cape Colony of ignoring native dangers, and the false economy of not taking measures for self-protection, had also a great effect in bringing about the recent unhappy outbreak. I may quote as follows from your Excellency's Despatches in order to show how, by this want of organization, a local disturbance swelled into a general outbreak:—"There was no adequate force, even for display, and nothing to fall "back upon should something more than display be needed. There is a pervading want "of efficient means of enforcing the law or preserving the peace." And your Excellency's Despatch to the Secretary of State, dated the 9th January 1878, concludes with the following significant words:—"There is much evidence of concert between distant and "apparently unconnected outbreaks here and elsewhere, and if there is anything like a "combination among the evil-disposed in different Kafir tribes, there is no surer means "of encouraging its spread than by delaying the complete re-assertion of the authority "of Government." Again on the 30th January, your Excellency writes:—"Owing to "the hasty and inconsiderate way in which ministers are proceeding, I can anticipate "none but very disastrous results to Colonial interests, and it will require the greatest "care to prevent Her Majesty's troops and other interests than those of this Colony "from being compromised. War surprised the Government, it was quite unprepared "for it, and there was the slenderest possible provision for carrying on anything like "military operations." The concluding words of this Despatch are well nigh prophetic:— "But the more probable result at present is, I fear, to extend the rebellion to districts "as yet undisturbed."

7. The absence of prompt measures in dealing with Sikukuni's outbreak, and the absolute want of any organisation in the Cape Colony to check armed disaffection within its borders, was like the undue escape of water from a dike, for the gap in the embankment gradually became larger and larger, till at last the uncontrolled outflow threatened to sweep away white supremacy everywhere in South Africa.

8. To say that this Government is responsible for the outbreak of the natives in and around the province is manifestly as unjust as it would be to accuse a proprietor of having endangered those around him, his dam having been swept away, owing to the bursting of a defective and badly supervised reservoir on his neighbour's property.

9. Those who state that the land question here has been the cause of the outbreak, must have overlooked the fact that the Griquas, living under Cape rule in Griqualand East, a distance of some 200 miles away, with a foreign State intervening, were the first to break out, and such was only suppressed, after considerable bloodshed, by the Frontier Armed Police, who were on the spot, and they must have ignored the fact that Klass Lucas, a Koranna Chief, living some distance from our confines, is now in arms, along with Colonial Kafirs, on the northern border against the Cape Government. And I may further point out to your Excellency that Inspector Nesbitt, the Cape border magistrate, reported to his Government on the 16th July, that evidence was forthcoming to prove that the men who began the war, and who fought against our force at Koegas, were Cape Colonial Kafirs.

10. Neither the Government, nor the people of this Province could have anticipated a Griqua outbreak here, for no complaints against Major Warren's settlement of the land question had been received. Could this ignorance have been possible had there been any acts of injustice permitted against the natives, such as were alleged in the Cape Assembly? And I may further state that the leader of the Griquas in this outbreak, Jan Pienaar, alias Gamga, was not a subject of Waterboer, for he belongs to Griqualand East, and was formerly the general of Adam Kok's forces.

11. Much capital has been made out of the speech of the late Licutenant-Governor, Mr. Southey, in that House. It has also been referred to by the Aborigines Protection Society in their letter to the Secretary of State. I am informed by Mr. Southey that what he referred to in his speech certainly had reference to the land question; but he said, among other things, that since the change of Government endeavours had been made, through Major Warren, to do justice. And in his speech he stated his concurrence with what had been done.

12. From this, therefore, it will be seen, that Mr. Southey had neither the wish nor intention of expressing disapproval of what has been done with regard to the land

question since my arrival here; and further, that his meaning has been perverted to suit other ends. I know that he disagreed with the course adopted by Sir Henry Barkly in dealing with this question, but that course received the full approval of the Secretary of State.

13. Major Warren's letter deals sufficiently with the land question and the allegations made concerning it. And I agree with him in what he says about the irritating conduct of the Judge of that court when on the bench. But the fact that the Government took prompt steps to remedy any hardship which might have been so brought about by the appointment, first, of Mr. Orpen, and afterwards of Major Warren, as special Commissioner to inquire into such cases, will show that it was careful that the rights and claims of the natives should not be overlooked. Major Warren's able and impartial settlement of this matter has been of great benefit to the Province, and he satisfied all, save certain land-jobbers, who simply take up the alleged grievances of the Griquas because their pockets are touched by an honest investigation and settlement. Those who know and understand what has been done are not amongst the cavillers. And the fact that Major Warren's recommendations have been in the first instance approved of here by the Executive, and afterwards confirmed by your Excellency, should have been sufficient guarantee to all that justice had not been lost sight of.

14. But I much fear that neither justice nor expediency, as a general rule, govern the actions of men whose selfish actions are thwarted. And on this account a brood of erroneous conceptions has been produced, which, even with the wisest management, it would have been difficult to clear away. When once the native mind becomes embued with such conceptions it takes long to eradicate them, more especially when they are implanted there and fostered by designing persons.

15. With regard to what Colonel Warren says about Mr. Roper's conduct, I may mention that I cannot altogether blame Mr. Roper for his acts in his magisterial capacity. The Recorder, after having gone through his judgments, and received his explanations thereon, has informed me that he considers his conduct has been the result of errors of judgment more than anything else. And further, he has been guided as regards actions for debt by an opinion of the late Attorney General, Mr. Shippard.

16. I regret to say that Mr. Roper is indiscreet and injudicious in the management of his district; but owing to the small number of Government appointments in the Province, it is difficult to provide for him elsewhere.

17. As regards the outbreak of hostilities in and about this Province, I may state that the first troubles occurred on the Cape side of the Orange River, where a farmer living near Prieska was shot at. I then received a telegram from the Under Colonial Secretary on the 10th April, to the effect that "the Kafirs from the northern border of Colony "have gone over to Griqualand to join Korannas and Bushmen, for the purpose of "invading the Colony," and asking me to cooperate in "preventing or suppressing any "outbreak."

18. To this I replied that "this Government would give every assistance in its power," though at that time our small population had been already seriously drained by the two contingents of volunteers sent to help the Cape Colony and the Transvaal.

19. Shortly afterwards came a telegram from the Civil Commissioner of Victoria West to say that there was no serious disturbance within their borders, as the farmer who had been shot at and wounded lived in Griqualand West. The Civil Commissioner was misinformed on this point, for a farmer had been previously shot at and slightly wounded on the Cape Colonial side of the river.

20. On the 20th was received the letter from the Civil Commissioner of Griquatown, reporting robbery and attempted murder, which was forwarded in my Despatch of the 12th May. What followed has been fully reported from time to time and approved by your Excellency, but I think I should state, that after the action at Koegas, when a reinforcement was urgently required, I found that the 12 men of the Cape Mounted Police, and the 40 Cape Burghers (who were the sole guards of the entire northern frontier) had received directions not to cross to our side of the river, and I could get no assistance from them till Inspector Nesbitt arrived some time afterwards. I mention this because I observe in the extracts forwarded to me by your Excellency, that the following statement was made in the Cape Assembly, on the 11th June, by the Prime Minister:— "That I had to retire into Kimberley, and that I had attached too little importance to "the state of affairs, and had therefore left too small a force on the south-west border, "which encouraged the natives to attack that portion of the Colony." It is a matter of surprise to me how such reports could have reached the Premier; certainly not from reliable or local sources, for nothing could be more at variance with what really occurred. I did not retire to Kimberley, and the force at Koegas proved its sufficiency to drive the

enemy from their positions. It is worthy of note, however, that even supposing that our force was too weak, it was because we had sent, two months before, very substantial help to the Cape Colony in the shape of the Diamond Field Horse, which the General justly said was "the finest body of volunteers in the army." And I may here parenthetically remark, as bearing on the Premier's remarks, that this help was sent at a time when Mr. Merriman reported to your Excellency that the Government could only collect 596 volunteers from the Cape Colony to aid the Imperial troops in suppressing the outbreak in the Eastern Province. It was no part of our duty to protect their frontier, though this Government was willing to do and did all in its power to help.

21. Considering the youth and very limited population of this Province, as compared with its older and more settled neighbours, I think everything was done which was possible to be done, though the outbreak might have been at first more decisively met had the inhabitants of the northern border of the Cape Colony been more prompt in cooperating, and more ready to take the field.

22. The outbreak has been a general one in all parts of South Africa. In and around this Province alone the following tribes have been in open arms against the European races: Batlapins, Barolongs, Batlaros, Basutos, Bushmen, Griquas, Hottentots, Korannas, and Kaal Kafirs (i.e., the naked or Colonial Kafir). The only difference is, that the outbreak here has been marked by more savage acts, in the shape of murdering women and torturing men, than has occurred elsewhere. The enemy have refused repeated offers of clemency, and have as repeatedly taken the aggressive in openly attacking our towns and standing camps. Had prompt and decisive action not been taken by this Government, and by such means combined and simultaneous outbreak prevented, there would have been a scene of rapine and murder throughout the Province and the surrounding territories which it would have been impossible for our limited forces to cope with.

23. But though the action taken has been prompt and successful, there has been no unnecessary severity, no wanton burning down of huts, or destruction of property by our volunteers. And the action of civil courts has not been interrupted.

24. In conclusion I wish to point out that the statements made that the natives of these parts are of peaceful and quiet habits are not warranted by facts. The Griquas have proved their prowess in war against the Manatees and other tribes, and their predatory habits made the northern border of the Cape Colony a most undesirable residence for farmers, even of late years. It was only 10 years ago that an official of the Cape Colony was murdered there. I have now a letter (dated 31st August 1869), in my possession from Mr. Southey (when Colonial Secretary of the Cape Colony) to Waterboer, remonstrating with him for allowing the Queen's enemies to receive assistance and ammunition from his subjects. In support of these statements I append a declaration made by the late Chief Constable of the Cape district bordering on Griqualand West.

I have, &c.

Governor Sir Bartle Frere, Bart., &c. &c. &c.

(Signed) W. Owen Lanyon.

Sub-enclosure I. in Enclosure in No. 36.

Sir, Kimberley, September 21, 1878.

Certain papers 35 $\frac{1878}{11\ June}$ having been forwarded to me at the desire of His Excellency the Governor-in-Chief for my perusal and report on the subject of the causes of the war in Griqualand West and Bechuana Land, I have the honour to forward my opinion on the subject.

The Griquas, Basutos, Kaal Kafirs, and other natives in and about this Province are intimately connected and in constant communication with the Griquas of Griqualand East, the Basutos of Basutoland, and the Gaikas of Kaffraria, and it necessarily happened that when disaffections occurred in the Cape Colony a thrill of sympathy with their brethren there ran through the tribes in and about this Province, and from the commencement of the Kaffrarian war they have consequently been in a disturbed and uneasy state, ready to take advantage of any opportunity which might arise.

The cause of the Kaffrarian outbreak is to be found in the feeble measures as regards the natives in the Cape Colony adopted by former Governments through a course of several years, by which the natives on the one hand were unduly oppressed, and on the other hand encouraged to fight by vacillatory policy, which led them to suppose that the white man was afraid of the natives, a policy which has acted as detrimentally to the interests of the white men as it has to those of the natives, and has arrested all progress in South Africa. The result has been a general war epidemic, which, spreading like a veldt fire, is still extending far and wide over all parts of South Africa. This

epidemic has had an extraordinary effect upon the natives, transforming tribes who were supposed to have no courage in them into nations of warriors. An organised attempt was made to induce the tribes of South Africa to rise in unison, but mutual distrust which clings to all native races has retarded this attempt, and they have only risen individually when local causes favoured their opportunities.

The extraneous causes which more particularly affected the rising in Griqualand West appear to be as follows:—

1. The rumours brought up by the Gaikas that the white men had been routed at all points in Kaffraria, and had been driven back.

2. The knowledge that the Diamond Field Horse had been sent to their assistance, thus giving colour to these rumours.

3. The knowledge that with a good gun a native is more on a par with a white man than he was formerly.

4. The certainty that in the Transvaal the whites had not succeeded in their war with the natives.

5. The fact that the Gaikas and other Kaal Kafirs had come up from the Colony to assist the Griquas to fight.

The local causes appear to be as follows:—

The fact that the Griquas as a tribe state that they were not aware that Chief Waterboer and the Raad had handed over the country west of the Vaal to the British Government.

2. The delay in settlement of the land claims, caused by the continued absence of the Chief Waterboer from Griqualand West, after the handing over of his territory, and the suspense caused by the action of the Cape Colony, which neither would annex this Province or let it go free.

3. The peculiar attitude assumed by Judge Stockenstrom in the Land Court, who entirely ignored the agreements entered into by his Excellency Sir Henry Barkly with Chief Waterboer and his Raad, thus depriving many of the chief Griquas of the lands promised to them, and particularly his treatment of the Chief Waterboer himself, to whom such insulting language was used by the Judge that his counsel removed his case from the court, and consequently the majority of his land claims were disallowed.

4. The action of the Civil Commissioner (Mr. Roper), at Griquatown (on the legality of which action I cannot offer an opinion), who allowed Mr. Metsovitch, Van Druyten, and others to distress the Griquas to a great extent, making them pay excessive rates of interest on debts incurred before the British Government had taken over the country, debts which were not allowed as valid under the Chief Waterboer. Also the general conduct of Mr. Roper towards the Griquas, which appeared to me so detrimental to the settlement of the land question that I was obliged to bring the circumstances to the notice of his Excellency the Administrator during last autumn. With regard to my action in the settlement of the land claims, I did not interfere with Mr. Stockenstrom's judgments, but adopted a system of "levelling up," so as to carry out all the agreements in their integrity made by his Excellency Sir Henry Barkly on the part of the British Government with the Chief Waterboer and the individual members of his tribe. The successful results of my recommendations may be estimated by the fact that both the white claimants and the agents for the Griquas and others who had interests opposed to each other are well satisfied with what has been done, and are anxious that I should continue the same system of arrangements to the north of this Province.

The unanimity of sentiment on this subject was the more remarkable because previous to my arrival in the Province the popular feeling ran so high that neighbouring claimants had not spoken to each other for years past, and yet after my recommendations all classes of claimants desired to unite in a memorial eulogising the course I had adopted, a course of action which I did not encourage.

The three gentlemen who have referred to my action regarding the land claims are Mr. T. Barry, Mr. Stockenstrom, and Mr. J. X. Merriman.

I beg to point out that Mr. Tom Barry has had a good deal to do with buying land from the Griquas, and that in certain cases, where the Judge of the Land Court allowed the same farms both to Mr. T. Barry and to the Griquas from whom he had bought them, I recommend that titles should be given to these Griquas in order that they might have any redress available should the sales have come under the system of "land "jobbing" which has been so extensively practised in this Province. This may possibly account for his remark that there was some interference on the part of another gentleman sent up to see into matters with regard to the land question.

Regarding Mr. Stockenstrom's remarks, I have little to say except that they appear to

be those of an advocate who did not mete out justice to the Griquas and other native tribes.

Mr. Merriman's observations appear to be purely those coming from a gentleman who has no particular political view on the subject.

With regard to the Griquas themselves, every individual who had a promise of a farm under the agreement with his Excellency Sir Henry Barkly was recommended, and received one or more, and all others were recommended by me for suitable locations, and as the Griquas and other natives were selling their farms, I even went so far as to recommend all those who had them awarded for locations as soon as they had sold their farms and spent the money.

I have, &c.

The Colonial Secretary,
Kimberley.

(Signed) CHARLES WARREN.

N.B.—It should not be lost sight of that the Chief Waterboer and his Raad are supposed to have suppressed claims to land in their list sent in to his Excellency Sir Henry Barkly of several Kaal Kafirs and others with whom they were at variance.

Sub-enclosure 2. in Enclosure No. 36.

EXTRACTS from NOTES put down towards ascertaining the real Cause or Causes of the present NATIVE OUTBREAK in GRIQUALAND WEST.

The first overt acts of rebellion near Prieska were committed by Colonial Kafirs, Tambookies and Gaikas from the district of Carnarvon, and were probably traceable to the influence of messengers among them from the tribes on the Eastern Cape Frontier, who, in the hope of creating a diversion, disseminated false reports of native successes against the Colonial forces.

Thus our war at its commencement was merely a branch of the Colonial Kafir war, and the history and politics of Griqualand with its land questions and native relations has had nothing to do with the commencement of hostilities.

It is true that even at the commencement the Kafirs were joined by those of their own nation, not very many in number, then resident in Griqualand; but these men had always been looked upon as aliens by the Griquas, and their conduct is attributable merely to tribal sympathy.

At the commencement also the Pramberg, Scheit Fontein or collectively "Carnarvon" Kafirs were also joined by a horde of those Springbolo, Kat, Weldschoendrager, Bitterbosch, Harbebust, and other Korannas, who had fought with Sir W. Currie in 1867 or 1868, and who, being by nature and descent freebooters, cordially joined in any enterprise promising plunder; but as these people have time out of mind roamed as predatory hordes along both banks of the Orange River below the western limit of Griqualand, and have often been at war with the Griquas and always at enmity, their conduct is also not the result of any action of the British Government of the Province.

The Griquas and Bechuanas who have been implicated are therefore the only people remaining to be accounted for, and I shall therefore first take the Griquas.

Very few of the Griquas during the lifetime of the late Andries Waterboer, and they only the *elite* of the tribe, held, or had any idea of holding, title to "holdings 'in "severalty;" but in 1861, the date of the exodus of A. Kok's "Eastern Griquas" to Nomansland, Nicholas Waterboer's Griquas had become embued with envy against their cousins, who, having obtained individual titles to land from Kok had disposed of them to Boers, sometimes twice or thrice over obtained payment, and get possession of other farms in Nomansland. Thus, in about 1874–5, Waterboer and his council, long after the cession of their country, furnished Government with a list purporting to contain all the names of those of the tribe who were entitled to land as private property, and in May 1875 signed a document in my presence that that list was quite complete.

Mr. Stockenstrom, as Judge of the Land Court, bound of course by rules of law, could find but little evidence of actual ownership of individual farms, and therefore demanded proof of continuous occupation, in most cases a demand impossible to be complied with by a population notoriously nomadic in its habits.

Colonel Warren took a view intermediate between those of Mr. Stockenstrom and Mr. Southey, and recommended grants to many Griquas who got nothing from the Land Court. He, however, recommended more grants than I, with my previous knowledge of the country, would have done. Mr. Southey, if I rightly understood his intentions, would have granted farms and erven to every native whose name was inserted in the list

mentioned in section 12, and held that every Griqua head of a family ought to receive a grant, and the only difference between this view and that adopted by Colonel Warren is that the latter recommended "locations" and agricultural lots to all those Griquas who failed to show a right to the lands they claimed.

To the final settlement of the land question by Colonel Warren, therefore, cannot be attributed disaffection among the Griquas without attributing to them so great a tendency to disaffection as to make them rebel after getting from him nearly all they asked for.

In seeking for grievances of which the Griquas may be supposed to complain with any show of reason, I can only find the following:—

(*a.*) Their farms were granted or to be granted to them at an average quitrent of 3*l.* per 1,000 morgen, 2*l.* of which to be redeemable at six per cent., thus placing, as it were, a Government lien of 100*l.* on each farm of 3,000 morgen, and reducing its market value y that amount.

(*b.*) The very great delay which took place in adjusting their claims—about six years or more.

(*c.*) The law expenses of the Land Court which, as the claimants had no means to defray them or to make advances, left them at the mercy of agents to such an extent that I believe there are several cases in which out of two or three farms granted one has become the property of the agent.

(*d.*) The operation of English law in regular courts is quite incomprehensible to them, and since our assumption of sovereignty over them its principal effect upon them has been to render it possible for traders having long standing open accounts against them to recover capital, interest, and costs, often amounting to twice or thrice the original debt, a debt, too, which in many cases had, I believe, been paid long ago.

I cannot at the moment think of any other probable grievance with any grounds for it, and the above could never, among so utterly careless and spendthrift a set of people, have been of themselves sufficient inducements to rebel for had they held the whole country with power to sell, their utter and hopeless poverty would only have been deferred for a year or so.

Adam Kok, the late Chief of Nomansland, has no child of his own, but on marrying the widow of his brother (Cornelis) adopted her daughter by her first husband, and this daughter married Nicholas Waterboer, who therefore always entertained a hope of succeeding Adam Kok in right of his wife, and his visit to Nomansland in 1872–3 was undertaken, I believe, for the purpose of intrigue with that view, so that after ceding to us a chieftainship he could not have retained, he might step into another in which he believed the Cape Government would maintain him. All his hopes, however, were blighted by the annexation of Nomansland to the Cape Colony.

I do not believe that the Griquas ever fully understood the change in their position when they came under British rule, and Waterboer himself certainly never explained it to them. Long after the cession he continued promising and making grants of land which his people believed would be recognized by us, but of course were not, and in 1875, when Mr. Arnot tried to induce the members of the late Griqua Council to sign a request to Lieutenant Governor Southey to appoint a magistrate at Griquatown he utterly failed in consequence of Waterboer opposing it in a speech of at least an hour and a half's duration, in which he maintained that he was still their Chief and the father of his people, and that while they still had him they required no magistrate. This took place in Waterboer's house and within an hour after I had fully explained to them all that being now all British subjects, Waterboer was but a private individual, and held no authority save what the Government had invested him with by giving him a Commission of the Peace, and after Waterboer himself had publicly endorsed all I said.

Correspondence has always been kept up between Griquatown and Kokstad, and Jan Pienaar and Piet Pienaar (respectively named "Gamka" and "Smons") are both old councillors of Adam Kok, and I have myself seen in Waterboer's house title deeds (printed forms of grant) used in Nomansland, and signed in blank by Piet Pienaar "by order." I do not know to what use these were intended to be put, but the almost simultaneous outbreak of both tribes of Griquas makes it probable that, like the Kat River Hottentots, they had both been worked upon for their own purposes by emissaries from the frontier Kafirs.

As regards the Batlapin and Batlaros tribes, they are all of them utterly insignificant as regards fighting power against Europeans, but it is well known that Gaika emissaries have for some time past been among them as far north as Metito, beyond Kuruman, and it appears to have been the object of these emissaries to attach to their cause those Chiefs whose ambition to be considered paramount had been foiled by our inclining to recognize Mankaroane and Jantje alone, *i.e.*, Botlasitze, Morwe, Matlabani, Moshete, &c.

The whole affair as regards disturbances in Griqualand West is, therefore, in my opinion, merely the result of Kafir intrigue with the object of creating a diversion in their own favour.

Sub-enclosure 3. in Enclosure in No. 36.

REMARKS upon STATEMENTS in the CAPE PARLIAMENT and CAPE NEWSPAPERS having reference to the present Rebellion in GRIQUALAND WEST.

MY previous minutes, "notes hastily put together," on the subject of the probable causes of the outbreak will show how utterly I am opposed to the opinion of the "Cape Argus" that the land question is at the bottom of it. The war and rebellion here is, in my opinion, traceable only to the machinations of the Cape Frontier Kafirs, exactly as was the Hottentot rebellion in 1850.

Had the settlement of the land question stopped short at the abolition of the Land Court, I could quite understand the state in which it was then left proving to be cause of sufficient discontent to create disaffection and rebellion among the Griquas, for the Land Court disallowed almost all their claims, and the utterances of its Judge on the bench must have appeared to them more like those of an advocate for their opponents than of a Judge, while his treatment of their Chief was such as to cause the immediate withdrawal of both his advocates (Messrs. Halkett and Davison) from the Court. I have myself heard several of these Griquas state that the Judge was more like a special pleader on the side of the Boers than a Judge.

It fortunately, however, happened that Government became aware that justice could not be done by leaving matters as Mr. Stockenstrom had left them, and first I was sent to investigate native claims on the spot, and to note such evidence as was procurable, and then the very thing the "Argus" of 11/6/78 says ought now to be done was done, and done most thoroughly, *i.e.*, Captain Warren, R.E., was appointed to inquire into and arrange all claims to land; the result being that under a Provincial Ordinance passed last session, every Griqua or other native claim (save two or three where the claimants were not discoverable) was allowed, that is to say, every claim contained in the list furnished to Government by the Griqua Chiefs and Council was allowed (that list being subscribed and certified to as correct and complete by the whole of the late members in my presence), and, moreover, lands in severalty were awarded to nearly an equal number of Waterboer's late subjects whose names had been omitted by their own late rulers, and locations were in the course of being assigned to all other natives who could show no proof of claim to private ownership of land, thus, whatever dissatisfaction was caused by Mr. Stockenstrom's judgments the subsequent voluntary action of the Government was calculated to remove.

The "Argus" in the leader above-mentioned speaks of what it calls a suggestive analysis of the Schedules appended to the Land Court judgment. Let us see; neglecting the minor grantors and claims arising out of Mr. Dunn's speculations, let us take the two principal contending parties.

Allowed.

164 upon Orange Free State titles.
36 upon grants from the two Waterboers.

Disallowed.

5 under A. Waterboer.
67 under N. Waterboer.
152 under Waterboers' government.
2 under Free State titles.

I think the proportions above shown were naturally sufficient to suggest ideas in the native mind very unfavourable to the name of British justice.

Captain Warren was never, as stated by the "Argus," engaged upon a review of Land Court judgments, he merely, as Royal Commissioner, recommended for grants many who had not obtained, in his opinion, justice at the hands of Mr. Stockenstrom, and, by means of other grants in compensation for disputed lands, he saved an enormous sum to numerous claimants who had appealed against Mr. Stockenstrom's judgments, and who would otherwise have had to spend hundreds of pounds in litigation. I consider, therefore, much of what has been said by members of the Cape Parliament pure impertinence; they know nothing whatever of the history of Griqualand West, or what has been done here relative to the land question, and yet they step out of their way to animadvert upon our affairs

and make a demand for a Royal Commission in utter ignorance that all they demand has already been done.

As to no provision having been made for the "squatting population" in the Colony, as stated in the same leader, there may possibly be due cause for animadversion upon the conduct of Cape Colonial authorities, but no such "laches" can be charged against the Government of this Province, for, as above stated, the definition of locations was being proceeded with, and its completion was only delayed by the necessity of awaiting the decisions as to private rights, it being evident that Government could not assign as a location any land to which a private individual had a valid claim.

In the "Argus" leader of the 13th June that paper again takes up the question of Griqualand, and (while praising the doings of Mr. Stockenstrom, the Judge of the Land Court, whose decisions gave the Griquas the only possible just cause for discontent) says, the Griquas have a just grievance, utterly ignoring the fact that that grievance has been completely removed by the Royal Commissioner, Lieutenant-Colonel Warren, of whose existence its well-informed editor appears to be quite ignorant, while pressing for such an appointment.

I shall say but little of Mr. Stockenstrom's speech, published in the "Argus" of the 13th June; he says not one word of his own conduct, which drove Waterboer's advocates out of court, and he talks of a number of land-jobbers without specifying one or more of them, or stating in what way they had acted dishonestly. The ridiculous non sequiturs involved in his judgments are sufficiently apparent to all here who have read them; he founds his explanation of the Griqua Constitution, which began to grow up in 1822, and took form for the first time in 1838, upon the statements of the traveller Burchell, who visited those Griquas between 1806 and 1811, before such a Constitution was even thought of.

(Signed) FRANCIS H. ORPEN.

NOTE.—The leader of the "Argus of the 11th June last says :—

"By lease and sale the Provincial Government has been enabled during the last two years to dispose of a considerable extent of Crown lands, part of which was in the *de facto* occupation of native residents, whose claims had been set aside in the Land Court, * * * * hence the rebellion."

The utter ignorance of our affairs shown in the above is simply astonishing. Cape papers often grumble at the common misrepresentation of Cape affairs by the English press, and laugh at its ignorance, but their own ignorance of matters on their own borders is far less excusable.

There are only 13 farms under lease in the whole Province, and only four have been sold; and only three leases and two sales have been made in the district of Hay, where the rebellion broke out.

(Signed) FRANCIS H. ORPEN,
Surveyor-General.

9th July 1878.

Sub-enclosure 4. in Enclosure No. 36.

EXTRACT from LETTER from Rev. A. J. WOOKEY, London Missionary Society, at Kuruman, dated the 27th August 1878.

"IT would seem that this rise on the part of the natives has been in contemplation for some time. Soon after the present Kafir war broke out in the Colony reports were brought up to the Kafirs at the Diamond Fields, and those living on the banks of the Orange River below Griqua Town, to the effect that the English were completely beaten by the Kafirs; that the latter were now in possession of the farms and houses of the English, that the English were not many, and that it was only necessary for the Beewanas, Griquas, and Kaffirs, to join and rise at once upon the few English scattered up and down the country to get rid of them and divide their property. About a year ago some of the Basutos from the river were in Kuruman at a marriage, and they then talked of these things as being planned between them and the Kaal Kafirs. Then again, in the early part of the present year, some of them were here, and also said privately that fighting might commence at any time. And further that if they began none, not even missionaries, were to be spared. Even at the time of the war between the Boers of the Transvaal and Sikukuni, the people of this part of the country seemed very uneasy. There seems to have been a growing hatred on the part of the coloured people of all classes against white people, and also an increasing suspicion, especially in Griqualand."

Sub-enclosure 5. in Enclosure in No. 36.

I, FRANK WILLIAMS, Lieutenant Commanding Army Service Corps, maketh oath and saith:—

In the year 1865 I was chief constable for the district of Hope Town, and that during my term of office numerous complaints were made to me by farmers residing along the banks of the Orange River concerning the theft of cattle, particularly horses, by the Griquas, Korannas, and Kafirs residing in Waterboer's territory, and that in some cases single farmers have lost as many as 12 horses by these Griquas and others, and further, that in consequence of these thefts Mr. Mader, who was then the Acting Resident Magistrate, gave notice that any of Waterboer's people being found in the Colony without a pass would be apprehended and punished.

I have had reports made to me by farmers that in endeavouring to follow up the thieves they were fired upon by the natives, and in most cases the cattle were never recovered.

At Sivernkreil, in the said district, the Messrs. Stewart Brothers have been repeatedly fired upon by the natives residing across the river, and that they were obliged to fortify their house in case of an attack. Also that traders paying a license to the Cape Government were robbed of their goods and were subject to illtreatment by the Griquas and Korannas, and that it was reported to the Government at the time, but received no satisfaction from them.

And further, that all along the Orange River, from Hope Town down to Prieska, on Waterboer's side of the river, was dangerous for Europeans to engage in trade, in consequence of the conduct of the natives.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of the Ordinance No. 6, 1845, entitled "An Ordinance for "substituting declarations in the place of certain oaths, and for the suppression of "voluntary and extra-judicial oaths and affidavits."

(Signed) FRANK WILLIAMS.

Declared before me at Kimberley, this 19th November 1878.

(Signed) FRANCIS H. S. ORPEN, J.P.

No. 37.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received January 2, 1879.)

High Commissioner's Office, Pietermaritzburg, Natal,
November 29, 1878.

SIR,

I HAVE the honour to forward copy of a Despatch I have received from his Excellency the Administrator of Griqualand West enclosing copy of the Proclamation of amnesty he has found himself in a position to issue.

I feel assured that this report will be received by Her Majesty's Government with the greater satisfaction from the evidence contained in the previous reports of Colonel Lanyon, that the authority of Government has been effectually re-established, not only throughout the province of Griqualand West, but in the neighbouring territory heretofore under the control of independent native Chiefs.

I have, &c.

The Right Hon. the Secretary of State,
Colonial Office.

(Signed) H. B. E. FRERE,
Governor and High Commissioner.

Enclosure in No. 37.

Government House, Kimberley,
November 19, 1878.

SIR,

I HAVE the honour to forward your Excellency four copies of the amnesty Proclamation, which I have issued with the advice of the Executive Council.

I trust that this amnesty will have the effect of bringing in the misguided ones who have for the last seven months been in arms against Her Majesty.

I have no doubt that the time for clemency has arrived, for those who refused to listen to the repeated messages of mercy sent to them on previous occasions now see that it is useless to fight against Her Majesty's power.

Colonel Warren is now at Taungs, the chief kraal of Mankaroane, and he reports that everywhere the natives are settling down and resuming their pastoral and agricultural pursuits.

In some cases the Government has given ploughs, oxen, and gain to the people, so that they may not lose the season for sowing.

I have to thank your Excellency for the kind manner in which your Excellency conveyed to me your congratulations by telegraph. I have ordered it to be published in order that the volunteers, who have rendered such good service, may also see how cordially your Excellency recognises and appreciates what they have done.

Having raised the volunteer forces, and commanded them during the greater part of the war, I feel most grateful and proud of this further expression on your Excellency's part of kindly appreciation and approval.

I have, &c.

The Right Hon. Sir Bartle Frere, Bart., &c. &c. &c.

(Signed) W. Owen Lanyon, Administrator.

Sub-Enclosure in Enclosure in No. 37.

(No. 11 of 1878.)

Proclamation by His Excellency William Owen Lanyon, Lieutenant-Colonel, Companion of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government of Her Majesty's Province of Griqualand West.

The following are the words of Victoria, Queen of the United Kingdom of Great Britain and Ireland, and Empress of India, which by the advice of the Executive Council of the Province of Griqualand West the Administrator makes known to all Her Majesty's subjects in the province and beyond its borders:—

The Griquas, Korannas, Basutos, Bushmen, Batlaros, Batlapins, and Barolongs had no just cause to complain against Her Majesty's Government, but, listening to the persuasions of Donker Malgas, Windwaai, Gamga, alias Jan Pienaar, and other leading men, assembled their warriors and broke out into open rebellion.

They were not, however, able to withstand the forces of the Queen. The forces of Donker Malgas, Windwaai, Gamga, alias Jan Pienaar, and other leading men were repeatedly and in every engagement defeated with great loss, many being slain, and their cattle being taken.

Donker Malgas, Windwaai, Gamga, and other leading men are now fugitives, hiding with some of their followers at a distance from the Province. Many rebels have been killed and hundreds have been captured. The rebel armies are broken up and dispersed; and without leaders or means of existence, the few who remain in the field are now hiding about the country, where some are starving, and others are barely existing on wild roots and whatever they can steal. This is the punishment of their rebellion; but the Queen does not desire the destruction of any of Her subjects who are willing to obey the law, and in the belief that most of the men who followed Donker Malgas, Windwaai, Gamga, alias Jan Pienaar, and other leading men, were misled by false counsellors, and now heartily repent of their rebellious conduct, an amnesty is hereby proclaimed on the following terms:—

1. All who desire pardon for having joined the rebels must surrender themselves to a magistrate, or any officer in charge of a detachment of the Provincial forces.

2. Having made their submission, and given up their arms, and been registered, they will receive a certificate of pardon, which will secure them from molestation whilst they obey the orders they may receive from the Government official to whom they may surrender.

3. From the benefits of this amnesty will be excluded Donker Malgas, Windwaai, Gamga, alias Jan Pienaar, all counsellors and leading men who have taken a prominent part in fomenting or maintaining rebellion, all rebels who were in receipt of pay from Government as headmen, and all who are suspected of having had an active share in any murder.

4. To all so excepted nothing will be guaranteed but a fair trial before the legal tribunals of the Province.

GOD SAVE THE QUEEN.

Given under my hand and the public seal of the Province of Griqualand West, at Kimberley, this 13th day of November 1878.

(Signed) W. OWEN LANYON,
Administrator.

By command of his Excellency the Administrator.

(Signed) FRANCIS VILLIERS,
Acting Colonial Secretary.

GOVERNMENT NOTICE, No. 168 of 1878.

Colonial Secretariat, Kimberley
November 13, 1878.

THE reports received from the disturbed part of this Province agree in representing that armed resistance to the troops or police has ceased; that repeated defeats and heavy losses in fighting men and cattle, and the death or capture of some of their most influential leaders, have thoroughly dispirited and disorganised the rebels, who are no longer to be found in large bodies; that those who remain in arms are scattered fugitives, who, everywhere upon the approach of any Provincial force, flee for refuge to their fastnesses without any apparent object beyond saving themselves from destruction. The time seems, therefore, to have arrived when, without endangering public interests, or diminishing the prospect of permanent peace, an amnesty may be proclaimed, admitting of the submission of all who have not been prominent leaders, or been guilty of other serious crimes in the course of the late rebellion.

The above Proclamation, No. 11, of even date, has accordingly been issued by his Excellency the Administrator, with the advice of the Executive Council, and Civil Commissioners of this Province are hereby enjoined to have it circulated in the English, Dutch, and Sechuana languages. They are also empowered to receive the submission of all those who may come under its terms. All who submit in terms of his Excellency's Proclamation must be disarmed and registered. They will be settled on locations, or placed under contract, as may hereafter be determined upon, and will receive in return for their labour under contracts such fair remuneration as may from time to time be agreed upon.

Civil Commissioners are instructed to report for sanction all subsidiary measures which they may find necessary to give effect to this amnesty, and to provide against abuse of its provisions, and, until further orders, send in weekly reports of the mode in which these orders have been carried out, and of their results.

By command of his Excellency the Administrator.

(Signed) FRANCIS VILLIERS,
Acting Colonial Secretary.

GOVERNMENT NOTICE, No. 173 of 1878.

Colonial Secretariat, Kimberley,
November 14, 1878.

The following notice issued by Colonel Warren, at Kuruman, is published for general information.

By command of his Excellency the Administrator.

(Signed) FRANCIS VILLIERS,
Acting Colonial Secretary.

NOTICE to Griquas, Korannas, Basutos, Bushmen, Batlaros, Batlapins, and Baralongs, who have carried on war in and around Griqualand West.

YOU have been defeated everywhere, whether in the bushy veldt or in the rocky fastnesses, whether in the stronghold like Takoon, or in the mountains of Langberg.

You have boasted you would carry fire and the sword through the land, and have in answer been routed and everywhere scattered.

You now see that you cannot drive the white man out; you have found that no obstacle has overcome him; that he can fight and not destroy life; that he carries the sword in one hand and mercy in the other. Some of you have murdered innocent white people, but yet the white man has been kind to your helpless; you have been taught lessons of mercy, you have seen the white man stay his hand when you have ceased to fight, and that he has spared the lives of all those who have laid down their arms, their hands yet red with blood. You have left your old and blind, your women and children to starve in the mountains and caves; the white man has searched for them and brought them out, fed and sheltered them. The white man has found your women and children thirsting in the desert, and has brought water there and rescued them from death.

Your women and children have refused to take their liberty and return to you; they say the white man is their best friend. Many of you have yet to learn to treat your women and children with kindness.

It is known that you have been deceived by Donker Malgas, Windwaai, Gamga, and others. They have poisoned your minds, they have told you that you must fight on their side, or be murdered with the white people. They have not conveyed to you the messages of mercy sent; they have kept you blindfold. But the time is past for you to be deceived by them any longer, therefore now listen—

The British Government is merciful, it seeks not revenge; it metes out justice and desires all its children to have peace. In justice the ringleaders in this war must be punished, so also the murderers of the Burnesses, of Mr. Thompson; so also the diggers-up of the graves of the dead. But consideration will be shown to the misguided.

Already many who fought at Gomaperi, Takoon, and other places have given themselves up. They are now living under the protection of the Government; some of these are bearing arms for the Government.

Many of the prisoners taken are hired out as servants. Others are living happily in the camps.

You are now dispersed; some have fled to other lands, but some are still hidden away among the rocks, and can only live by stealing cattle. If you steal you must be punished. Let such give themselves up to the Government at once.

Already those who are quiet have been sent to villages to plough and sow.

Let all near at hand return without delay, or the season will be lost, and a famine will arise in the land.

(Signed) CHARLES WARREN,
Colonel Commanding Field Forces,
Griqualand West.

Kuruman, November 3, 1878.

No. 38.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received January 2, 1879.)

High Commissioner's Office, Pietermaritzburg, Natal,
December 2, 1878.

SIR,

I HAVE the honour to transmit for your information copies of two Memoranda sent to me upon our political relations with Zululand.

One is by his Excellency Sir Theophilus Shepstone, who must be looked upon as the first authority on the subject. The other is by the Honourable C. Brownlee, formerly Secretary for Native Affairs in the Cape Ministry, and now Resident Commissioner for Native Affairs at King William's Town, whose ready acquaintance with the Zulus in the time of Dingaan adds to the value attached to the Memorandum by the writer's profound knowledge of South African history.

2. Both papers deserve also careful attention, from the high character of the writers, their unequalled opportunities of acquiring accurate information on the subject of the Kaffir races, and their life-long experience in the political management and treatment of cognate tribes.

3. Among the points dwelt on in Sir Theophilus Shepstone's paper perhaps the most important is the fact that Chaka and Dingaan were the only two really independent Sovereigns or Chiefs whom the Zulus ever had, that Panda always spoke of himself and acted, from 1842 up to his death in 1872, as in a position subordinate to the Great Powers on his border, as represented by the Transvaal Boers and the Government of Natal, and that, till the middle of 1876, his son Cetywayo spoke and acted in the same spirit.

4. Sir Theophilus, however, admits that the British Government in Natal has always treated both Panda and Cetywayo as independent, and considers this practice with M. Cloete's treaty, as forming "a strong moral consideration," as opposed to what he considers the strictly legal view of the case.

5. I will not discuss whether there ever can be a strictly legal view of such cases between natives opposed to the moral view. But I may observe that the dealings of the Zulus with us, as far as I know and understand them, are those of a savage race, which felt itself between two civilised powers, either of them stronger single-handed than the Zulus, the one power, the Transvaal Boers, inclined to encroachment and extension of its authority and responsibilities, the other, the British Government, quiescent; that the Zulus leaned towards the latter, and were glad when the succession to the Zulu throne was in question to obtain the support of the British Government in Natal in preference to repeating Panda's experiment of relying on the Transvaal Boers as the supporters of his claims.

6. It had always been the avowed object of Cetywayo to recover the position which Chaka held as the sovereign of this part of Africa; and he was angered as well as surprised to find that by the annexation of the Transvaal he was now virtually surrounded by a power even stronger than would have been that combination of his two former neighbours, which it had been for years the main policy of the Zulu rulers to prevent.

7. His first impulse was to break through the ring, and to this we may attribute the increased activity of Zulu emissaries during the past 12 months, and the various abortive insurrectionary movements with which they have been connected; and also the tentative encroachments of Cetywayo's military kraals on the borders of Swaziland and the disputed territory.

8. How far the preparations lately made on our side have permanently altered his views or plans remains to be seen.

9. It is, however, clear to my mind that our right to interfere with his proceedings rests on a different, and I think a higher ground than that of any prescriptive dependence of the Zulu sovereign on us. It is simply our own right of self-preservation.

10. I would not for an instant question our responsibility for putting an end to a system which locks up all the manhood of the country in a compulsory celibacy, considered by the despot necessary to the efficiency of his army, that army having no possible use but to threaten us or other friendly people who surround him, a system which massacres by hundreds the young women, who refuse at his bidding, to become the wives of the elderly soldiers to whom they are told off, a system which destroys all private property and industry, which forbids all improvement by civilisation or education, and relies solely on a regular course of murder and plunder by armed bands of the King's soldiers for the replenishment of the royal exchequer.

11. I will not attempt to measure our national guilt, or innocence, for allowing such a state of things to continue under a virtual, if not avowed protection, supplying the despot with arms to keep his people down, and preventing all natural remedies by foreign conquest as well as by internal resistance to his tyranny.

12. But our right to interfere with him, and compel him to govern as well as a good and peaceable native ruler can govern, rests on the first law of nature, the instinct of self-preservation.

13. We may blind ourselves as we will to the truth. Gunmakers and gun runners may make excuses for gun running. Philanthropists may find reasons for barbarisms, and persuade themselves of good intentions, belied by every word and act of the Chief's lifetime. Lawyers may talk of constitutional rights, which would find a more natural and congenial habitation on the deck of a pirate vessel, and everyone in active life may agree to postpone the correction of a vicious system, "which may last our time," to some more convenient season, when "something may turn up" to save us trouble, or to throw it on our successors. But the fact remains that no one can really sleep in peace and security within a day's run of the Zulu border save by sufferance of the Zulu Chief.

14. There may be some comparative security in ordinary times for white people, though survivors of the Weenen and Blankrantz massacres still in the prime of life, can describe wholesale slaughter of white men, women, and children, only 40 years ago, by the predecessors and models of the present Zulu King. But for the native there is not even comparative or precarious safety, as the experience of the Natal, as well as of the Lüneburg border, within the last three months, has repeatedly shown. It is only since troops have begun to assemble on the border that the Zulus have desisted from serving

notices to quit in most peremptory terms, and through armed bands, on long resident and peaceful white settlers outside the recognised limits of Zululand, enforcing their notices by significant acts of murder and robbery of neighbouring natives.

15. It seems to me worse than folly to shut our eyes to such facts, and quite unnecessary to seek other justification for whatever measures may be necessary to enable us and all who belong to us to sleep in absolute peace and security against foreign outrage within our own border. This is no more than the right of the meanest of the Queen's subjects, and it seems to me our clear duty to secure it to them.

16. As regards the measures to be taken for that purpose, I am glad to find that the views expressed in general terms by Sir Theophilus Shepstone agree with those at which, I believe, Sir Henry Bulwer and I have already arrived.

17. But the real difficulty is how practically to enforce the performance of any promises we may exact or obligations we may impose. On such points I trust that Sir Theophilus Shepstone will be able to give us the benefit of his intimate knowledge of Zululand in less general terms than in the concluding paragraph of the present Memorandum.

18. The greater part of the Hon. C. Brownlee's valuable paper is a succinct historical summary of our connexion with the Zulus. Mr. Brownlee's great knowledge of native history gives the weight of authority to his statements, and I would only venture one correction on the authority of recorded information. There was no doubt a promise of cession of territory to the Boers made by Cetywayo and acquiesced in by Panda. But the inquiries of the Rorke's Drift Boundary Commission show, I think, clearly that Panda endeavoured to retract his consent when he became aware of the extent of the cession; that Cetywayo endeavoured to evade performance of his promises as soon as he had got the price paid for them in the surrender of his rivals to the succession; and that, between them, the father and son contrived to avoid completing either the deed of gift, or de facto delivery of possession, and were successful up to the annexation of the Transvaal to the British Empire in evading the performance of their promises.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State,
&c. &c. &c.

Enclosure 1. in No. 38.

Government House, Pretoria, Transvaal,
November 18, 1878.

SIR,

I HAVE the honour to forward, for what it may be worth, a confidential memorandum on the political position of the British Government towards the Zulu Chief and people, deduced from the most important political events which have taken place during the last 38 years in which the Boers, Zulus, and Her Majesty's Government have been successively concerned.

I have, &c.
(Signed) T. SHEPSTONE,
Administrator.

Governor Sir Bartle Frere, Bart.,
&c. &c. &c.

Government House, Pretoria Transvaal,
November 18, 1878.

MEMORANDUM on the political position occupied by the British Government towards the Zulu King.

It would be very difficult, perhaps impossible, to form a correct opinion on this subject without considering the bearing of historic events; and the significance of these requires to be examined.

2. The strictly legal history of the case is simply this: about the beginning of the present century the Zulus were but a petty tribe of small account among their little neighbours.

3. Chaka, an illegitimate son of the Zulu King Senzangakona, who succeeded his father, extended the power and influence of his tribe, and became the founder of the largest native power that South Africa had ever seen. The present Zulu people are the remains of that power.

4. Chaka was assassinated by his brothers in September 1828, and Dingaan (properly Dingana), a brother and participator in the murder of Chaka, succeeded him.

5. Dingaan attempted to exterminate or check the emigrant Boers in 1838, but was himself eventually defeated, and, in the course of his flight from the Boer forces into the Amaswazi country in 1840, was put to death by the Amaswazi people.

6. Chaka and his brother Dingaan were the only two independent sovereigns or Chiefs whom the Zulus ever had. After them came Panda, also a brother, and Cetywayo, Panda's son, but neither of these ever occupied the independent position which Chaka and Dingaan had filled.

7. After the Boers had, by force of arms, conquered the Zulu country and caused the flight and death of the Zulu King, they appointed Panda to rule in Dingaan's place over the people whom they had thus subdued.

8. The Boers imposed such terms as they thought fit, and Panda accepted those terms as the condition of his retaining the position which they had placed him in. They allotted him no country, the territory which they had conquered they proclaimed to be their country; but they allowed Panda, with the people they had placed under him, to occupy it, and thus Panda became a Boer feudatory.

9. The Boers who achieved this had been commissioned by and acted for the central authority recognised by the emigrant farmers in Pietermaritzburg, Natal.

10. Then followed the military occupation of Port Natal in 1842, under Captain Smith, of Her Majesty's 27th Regiment, the resistance of the Boers to that occupation, and the ultimate subduing of that resistance by the reinforcements under Colonel Cloete.

11. The deed or instrument by which the Boers made their submission to Colonel Cloete, who represented Her Majesty's Government to them, is dated July 15th, 1842, and is signed by the "President" and members of the Council on behalf of the emigrant farmers of Pietermaritzburg, Natal, and the adjacent country. On that same day Colonel Cloete accepted this deed as "duly authorised," and in the 6th article of his agreement with the emigrants he provides that "The existing administration and civil institutions "under acknowledgment of Her Majesty's supremacy shall not be interfered with till "the pleasure of Her Majesty shall be made known."

12. Such, then, was the position in which the Zulu Chief, and people, and country stood towards the Boer authority in Natal when Natal became the property of the British Crown; and such were the conditions under which the reversion took place. The north-eastern boundary of Natal was by conquest as proclaimed on the 14th February 1840, the Block Umfolos River, properly Umfologi Emnyama, from its mouth to the Drakensberg.

13. On the 5th of October of that same year we find Mr. Commissioner Cloete at Panda's kraal, making an agreement by which it was arranged that the occupation of Natal should remain as it then was, *i.e.*, the whites to the Tugela and Buffalo Rivers, and the Zulus to the north and eastward of these rivers; and on the same occasion Panda ceded to Her Majesty whatever right the Commissioner might have thought Panda had to the Bay of St. Lucia. Legally Panda had no right to it whatever.

14. This agreement did not profess to change the relative positions then existing between Panda and the Government of Natal; and the Government of Natal was still the Boer Administration "under acknowledgment of Her Majesty's supremacy;" nor has any subsequent agreement abrogated those positions.

15. In Panda's first message of welcome, three years later, to Lieutenant-Governor West, *i.e.*, in 1846, when the Boer Government had been superseded, he distinctly recognised his feudatory or dependant position by asking permission to be allowed to use force against the Amaswazi; his messengers were instructed to say, "Panda has "promised to lay down the shield except for necessary wars, because you (*i.e.*, the white "people,) said so, he now wishes to take it up." Lieutenant-Governor West avoided giving this permission by proposing that he should mediate between the two, and settle the matter without the necessity for war.

16. In the numerous messages sent by Panda to the Natal Government between the years 1846 and 1872, the year of his death, expressions repeatedly occur to show that in his view at least no change had taken place as to his dependant position; and it was not until the middle of the year 1876, as far as my recollection serves me, for I was at the time absent in England, that any sign was made by Cetywayo that he considered himself to be, and intended to act, as if he were an independent sovereign. The reply sent by Cetywayo to the Lieutenant-Governor of Natal's remonstrance against the barbarous and wholesale killing of Zulu girls, because they would not marry the men of the regiments selected by Cetywayo, is, I believe, a distinct declaration of independence made for the first time by either Panda or Cetywayo since Natal became a British Colony.

17. It is difficult to decide what view should be taken of that which is always called Mr. Cloete's treaty with Panda; a treaty implies equality in respect of independence between the parties to it, and, as I have shown above, such equality did not exist in this case.

18. It is true, however, that the British Government in Natal has always ignored the sovereign right acquired for us by the Boers in 1840; treated both Panda and Cetywayo as independent, and as if we had inherited no claims to the Zulu country; and this, with Mr. Cloete's treaty, might form a strong moral consideration to oppose to the strictly legal view of the case.

19. On the other hand both these Zulu Chiefs, Panda, until the day of his death, Cetywayo, until the occasion referred to in some part of the year 1876, looked upon and acted towards Her Majesty's Government in Natal as inferiors to a superior would naturally act. They reported serious events, requested permission to take important steps, asked for advice and assistance in political difficulty, reported officially the death of a Chief, a special act and sign of feudal duty, and requested the Government of Natal not only to nominate, in 1861, who Panda's successor should be, but begged it to install the successor thus nominated in 1873.

20. The case is exactly analogous to the nomination and appointment of Chaka, the founder of the Zulu power, by the paramount Chief Dingiswayo, on the death of Chaka's father, Senzangakona; when that Chief died the tribe reported the event to Dingiswayo, and asked him to nominate a successor. Chaka was then serving in Dingiswayo's army, and although but an illegitimate son, Dingiswayo nominated him in preference to his legitimate brothers, and sent and had him installed in succession to Senzangakona as Chief of the Zulus.

21. The decease of Panda was the first natural death of a Zulu Chief since that of Senzangakona, the two intermediate Zulu Kings both met with violent deaths; in the case of Senzangakona's death Dingiswayo acted the part of paramount power by nominating and installing Chaka, and in the case of Panda's death the British Government in Natal acted as such by nominating and installing Cetywayo.

22. If any more evidence were necessary to show the legal right of Her Majesty's Government to interfere in Zulu matters, when thought necessary for the benefit of the Zulus themselves or for the general peace of the country, I adduce all the circumstances connected with Cetywayo's nomination and eventual installation by the British Government of Natal. The Zulus were themselves powerless to do either, and asked that Government to undertake both; in making these requests they recognised the suzerainty of the British Government, and this recognition was a national recognition, because all that was done on those two occasions was the action of the headmen or nobles, carried out in the presence and at the desire, in 1861, of Panda, and in 1873 in the presence and at the desire of Cetywayo. In both cases I represented the British Government of Natal.

23. Then again there are the special obligations which Cetywayo entered into on the latter occasion, obligations in the fulfilment of which the Zulu people were, and are, specially and deeply interested; obligations too in the fulfilment of which we, as a civilized and Christian Government, were and are also interested on the same and additional grounds. We are his immediate neighbours, disturbances and revolution in Zululand affect the peace and security of our country; while good government and a moderately fair administration of justice in Zululand would not only have been a priceless boon to the Zulus themselves, but would have proved a great material advantage to the British Government in Natal, independent of the moral benefits that would have been conferred by the faithful discharge of those obligations on both countries and their inhabitants.

24. But these obligations have none of them been so discharged; the indiscriminate shedding by Cetywayo of the blood of his people has been resumed, and every point that was agreed upon at the time of his installation to guard against this has been, as a rule, ignored by him.

25. His conduct towards the missionaries, and the putting to death of converts without the trial and other privileges guaranteed to every Zulu at Cetywayo's installation, have driven the missionaries out of the country, destroyed the centres, although small, from which it was hoped ideas of improvement would spring, and caused the loss of much property to the European societies whose stations have thus had to be abandoned.

26. For a short time after his installation Cetywayo seems to have felt that his engagements on that occasion had some binding effect, and involved some responsibility, because the execution of the first man that it was found necessary to put to death thereafter, named, I think, Umkokwana, was carefully reported to the Government of Natal, with the reasons that, in Cetywayo's opinion, justified the execution.

27. But it is well known that a great number have since been killed without trial by his order, or with his connivance, regarding whom no similar report or communication has ever been made by him, and notably the slaughter of the girls who would not marry into the regiments selected by Cetywayo.

28. The Zulu people have certainly a right to demand that the promises so seriously made, so solemnly proclaimed, and so gladly welcomed by them on the day of Cetywayo's installation shall be kept. Her Majesty's Government, whose desire for the welfare of those people rendered it possible for Cetywayo to be installed, and whose interest in the peace and prosperity of the Colony of Natal is so great, has also a right to require that these shall not be jeopardised by his faithlessness.

29. It must be remembered too that the diligent arming of his soldiers with firearms has been concurrent with the breach of his engagements, and that no foe except the white man,—the man who had raised him to the position he holds, who alone could have enabled him, and did enable him, to become what he is, can be the object of his arming; and that the effect of this arming has been to impoverish the country, and to render the people dangerous to the general peace in more ways than one.

30. At this moment the Zulu power is a perpetual menace to the peace of South Africa, and the influence which it has already exercised, and is now exercising, is hostile and aggressive; and what other result can be looked for from a savage people, whose men are all trained from their youth to look upon working for wages and the ordinary labour necessary to advance the progress of a peaceful country, to be degrading, and to consider the taking of human life as the most fitting occupation of a man!

31. Elements such as these, so antagonistic to civilization and Christianity cannot long look each other so closely in the face without eventually creating great danger, and this danger will increase as these elements are allowed the more fully to develop their ultimate results.

32. There was once a reason, and from the Zulu point of view, a good reason, for the building up of the aggressive system; the existence of the Zulus as a people required it, but that reason has long passed away; the Zulus are now surrounded by civilized Governments whose interests lie exclusively in the direction of peaceful progress, and they must be permitted to promote these interests, or the reason of their existence will also pass away.

33. No one can have felt a deeper interest in the welfare of the Zulus than I have felt. I was sanguine that the observance, even to a limited extent, of the new laws accepted at Cetywayo's installation, would gradually change the ideas of the people, and force upon the ruling class such amelioration in their old laws and customs as would dignify labour in their eyes, and encourage peaceful industry among the Zulu population. This cannot be looked for so long as numerous executions of untried offenders take place; these executions are usually carried out by the young regiments; they involve treacherous surprises in which whole communities become sacrificed, and constitute the sole training of young soldiers.

34. The object of this memorandum has been to show, by the inferences to be drawn from historical facts during a period of now 38 years, that the British Government has a legal right to interfere in the domestic matters of Zululand, and that the necessity for such interference has become imperative, not only in the interest of the Zulus themselves, but in those which involve civilization and right, and the very existence of our position in South Africa.

35. How that interference could best be undertaken, or what it should be, are of course most serious questions.

36. Promises and obligations however solemnly made and entered into, are, as we have experienced, not to be relied upon, so that nothing short of some radical changes in the government of the country, to serve as a material guarantee, will in the least improve the present condition or future prospects either of the Zulu people themselves, or of the neighbouring civilized communities; such changes as only can ensure this improvement will not be readily submitted to by the Zulu Chief; but half measures will be useless, or worse than useless, and we must resolve to do what is necessary to be done, thoroughly and at any risk and cost, or be content with our present uncertain tenure of a state of peace.

37. Zululand must become amenable to civilized ideas of government; the exclusively military character of Zulu organisation and rule and aspiration must be changed; no more Zulu regiments should be embodied, and no men added to the regiments already existing; the soldiers of every unmarried regiment should be allowed to marry. The Zulus should be disarmed as far as firearms are concerned, British officers should be

received as Residents, clothed with the admitted right to insist that justice in Zululand shall be administered in accordance with the principles proclaimed at Cetywayo's installation, and no execution should be allowed to take place without the sanction of the Resident. The mission stations already existing, and for the erection of which the sanction of the Zulu authorities was given, should be assured to the societies to which they belong, and the occupation of them should, as a logical consequence of the arrangement agreed to at Cetywayo's installation, depend upon the decision of the representative of the British Government, and not upon any exclusively Zulu authority.

38. These measures are what appear to me to be necessary before any commencement even can be expected in the change that is required to make the Zulus people safe neighbours and an improving community. But they involve the extinction of the Zulu power as it now is, and the attempt to adopt them must, if decided upon, be made with the knowledge that the Zulu Chief will oppose them, whatever course the headmen and common people may adopt.

39. Without a further knowledge than I possess of late events in Zululand, and of the relations of the Natal Government with the Zulus, I could not venture to offer an opinion as to the form which the communication to Cetywayo in view of such measures, or any of them, should take, or of the points it should embrace.

(Signed) T. Shepstone,
Administrator.

Enclosure 2. in No. 38.

Memorandum on Zulu Affairs by the Honourable Charles Brownlee, Resident Commissioner Native Affairs, Cape Colony.

Pietermaritzburg, November 12, 1878.

Our first intercourse with the Zulus dates from 1821 or 1822, when Lieutenant Farewell and a few others settled in the vicinity of the Port of Natal.

The country from the Tugela to the Umzimvubu was then undergoing depopulation, or had been depopulated by Chaka, King of the Zulus. This depopulated country was made over by Chaka to the first white settlers, whom he permitted to gather together the few wanderers who had escaped destruction from the Zulus, and who had not accompanied those portions of their tribes which fled westward, and which now form what is known as the Fingos of the Cape Colony, sections of whom are now to be found among Basutos and among all the tribes from Natal to the Cape Colony.

Farewell did not long occupy the position of Chief over the Natal country, having been murdered by the Amaquabe, near the Umzimvubu; but his successors, the Fynns, Henry Ogle, John Caine, and others soon gathered numbers of wanderers around them, over whom they exercised the function of chieftainship, adopting to the full their habits and customs, assigning as a reason the necessity of this course in order to establish authority over the people and to ensure their respect, and one means to this end was the adoption of polygamy.

The original settlers appear upon the whole to have lived upon friendly terms with Chaka, who, however, as sovereign lord of the land, on several occasions sent expeditions to Natal with the view of taking the lives of certain of the white residents who had incurred his displeasure, but in each case the doomed man escaped.

On one of these occasions one of the white Chiefs had just completed the ceremony of adding another member to his harem, but being wakeful during the night and hearing the barking of dogs and the sound of footsteps, he had just time to escape from the Zulus, who were surrounding his kraal, and fled to Pondoland with no other covering than his shirt; but, shortly afterwards, having received a message from Chaka to the effect that the King's wrath had departed and that he had been deceived, the fugitive returned and ever afterwards lived in peace and quietness at Natal.

In 1828 Dingaan assassinated his brother Chaka, and immediately after put to death all his accomplices in the assassination; and, in order to make his position doubly secure, he ordered the execution of all his brothers, with the exception of Panda and Nggobo.

Panda took no part in politics or public matters. He lived quietly, chiefly at Kangela, one of Dingaan's royal residences, where Langazanne, Dingaan's mother, resided. Here a strict supervision was kept over Panda's actions, and as he was found to be quiet and harmless he was suffered to live.

Nggobo's youth appears to have been his safety. He entered the Zulu army, and rose to the rank of major in the Kangela regiment. He was a brave warrior, a favourite with

Dingaan. Had he lived longer, his popularity in the army would doubtless have cost him his life.

The friendly relationship which, from the days of Chaka, subsisted between the Zulus and the Natal settlers, was greatly disturbed in 1835 and 1836, in consequence of the numerous fugitives from the Zulu country who found refuge in Natal. The feeling of hostility ran so high that Dingaan prohibited traders from entering Zululand. An invasion of Natal was spoken of by the Zulus, and was so seriously apprehended in Natal that Captain Allen Gardener, formerly of the Royal Navy, who had come to Natal as a missionary to the Zulus, entered into a convention with Dingaan, whereby it was stipulated for the future to send back all fugitives from Zululand, Dingaan on his part stipulating not to put them to death.

The first victims to this arrangement were a son and several members of the family of Gomane, Chief of the Umtetwas, uncle to Dingaan, and whose tribe had been incorporated with the Zulus by Chaka. Gomane was a gentle, dignified, and noble old man, greatly beloved by his tribe, and highly respected by all who knew him. Captain Gardener himself took back Gomane's fugitive children, imagining that through his personal intercession they would be leniently treated by Dingaan, who had stipulated not to put them to death. A more dreadful fate however awaited them than execution. They were starved to death before the eyes of Captain Gardener and their wretched old father. Thus began and ended the convention for the extradition of refugees to Natal. None have since been returned to Zululand.

A short time after the occurrence just narrated, most of the white residents of Natal, accompanied by many of their native adherents, joined the Zulu army for the purpose of dislodging the Swazies from their strongholds on the Pongolo, into which they had retreated from the Zulu army, which at that time had no firearms. This co-operation and the return of Gomane's son so satisfied Dingaan that the previous ill-feeling was removed, more especially as the Zulus, fearing to be sent back from Natal, submitted to be butchered at home without any attempt to escape.

In 1838, the Dutch emigrants, under Retief and Maritz, came to Natal, and Retief with 80 of his men proceeded to Ungungundloo, the residence of Dingaan, with a view of obtaining a cession of the depopulated and unoccupied country between the Tugela and the Umzimkulu.

Everything was arranged to the entire satisfaction of Retief and his party, and a written treaty was entered into by which the vacant country was ceded to the Dutch; but on the day on which they were to depart, and while taking leave of the King, they were surrounded and killed, not one of them escaping.

This treachery on the part of Dingaan was coolly and deliberately planned, and to throw Retief and his party off their guard, dances, parades, and other pageants were ordered for the entainment of his guests.

Immediately after the massacre of Retief and his party, Dingaan ordered out his army to exterminate the Boers in their camp under the Drakensberg. At several of these camps, men, women, and children were surprised and butchered in the dead of night; but as day dawned the Boers began to rally, they beat off the Zulus, who armed only with assegais in the open country could not touch the Boers, armed with rifles and on horseback.

Thomas Holstead, one of the original Natal settlers, who acted as interpreter for Retief, and who was a favourite with Dingaan, fell with Retief, through Dingaan wished his life to be spared.

The murder of Holstead induced the Natal settlers to declare war against the Zulus, and they made a raid into Zululand while the Zulus where engaged with the Boers. This raid having resulted in the capture of a number of cattle, without loss of life on the side of Natal, another and a larger expedition was organised. This expedition crossed the Tugela at Tookey's drift, and being met by the two Zulu regiments quartered in that neighbourhood, the Natal party was routed with great slaughter, most of the original settlers falling by the hands of the Zulus.

After the repulse of the Zulu army from the Dutch emigrant camps, Panda, who lived in the south-western border of Zululand, fled to Natal accompanied by a number of Zulus, and the three regiments that guarded the lower Tugela, and in the beginning of 1840, the Boers having with the assistance of Panda finally conquered and broken up the Zulu army, Dingaan with the remnant of his troops fled towards Swazieland, where he and Nalela, his Commander-in-Chief, were assassinated by their own people.

After the breaking up of Dingaan's army, Panda recrossed the Tugela, leaving in the Colony of Natal many of the people who had originally accompanied him, and was by the Dutch proclaimed King of the Zulus.

Though mild and merciful as compared with Chaka, Dingaan, and Cetywayo, even

Panda appears not to have been over scrupulous in regard to taking human life, for shortly after his accession to power he put to death all the leading men who had accompanied him in his flight to Natal, as traitors to their King, asserting, that as they had been faithless to Dingaan in his fallen fortunes, so they might be to his successor, while all those who had adhered to Dingaan were taken into favour, and Massipula, an active and able man, who held the office of chief steward to Dingaan, was promoted to be Panda's prime minister.

Twenty-two years since, 1856, Cetywayo, being desirous of assuming the supreme authority, demanded that Panda should name his successor. The King, enfeebled by age and sickness, and probably fearing to incur the displeasure and vengeance of his own sons, declined to name his successor; but replied that, with the Zulus, the strongest was King. A civil war, to which Panda had thus tacitly given his consent, ensued; several pitched battles took place, and eventually Umbulazie, Cetywayo's rival brother, was defeated, his adherents were everywhere pursued and hunted down, and though suing for peace and submitting to the conqueror, were butchered in cold blood whenever they were found, 3,000 of them being killed.

Umbulazie himself is said to have fallen, but as no one appears to know where, or to have seen the corpse, it was, therefore, rumoured, and it is still believed by some, that he had escaped. Three of Umbulazie's brothers escaped into Natal, one has since died, but Umkunga and Sikota are still in this Colony, while Umtonga, another brother, is in the Transvaal. This man is said to have been Panda's favourite son, and that he would have been nominated by Panda as his successor had he been free to follow his own inclination.

In 1872 Panda died, and Cetywayo, no doubt fearing lest his brothers should be recognised by us and the Transvaal, moreover as there was no absolute certainty of the death of Umbulazie, Cetywayo sought to secure the support of the Natal Government as well as that of the Transvaal Republic, and sent to both requesting them to install him as King of the Zulus, and the Natal Government appointed Sir Theophilus Shepstone, then Secretary for Native Affairs, to install Cetywayo.

Before crossing the Tugela to perform the ceremony of installation, Mr. Shepstone sent to inform Cetywayo and the Zulu nobles that the courtesy and condescension of the Natal Government in sending to install Cetywayo were not to be stained by one drop of blood, and that should any one be adjudged to die for any political offence during the presence of Mr. Shepstone in the Zulu country, such sentence should not be carried out till the charges and evidence had been submitted to him, otherwise he would refuse to proceed to the installation.

On arriving at the residence of Cetywayo, and before proceeding to the ceremony of installation, Cetywayo publicly agreed that the indiscriminate shedding of blood should cease in Zululand, that no Zulu should be condemned without open trial and public examination of witnesses, and that no execution should take place without the knowledge and sanction of the King.

At the time that Cetywayo was making these promises, and notwithstanding the order of Mr. Shepstone that no drop of blood should stain his mission, Cetywayo's right hand was red with the blood of Masipula, his late father's prime minister, and as if to stamp the hollowness and falsity of all his engagements, his coronation is inaugurated with a lie, and he informs Mr. Shepstone that Masipula had died suddenly four days previously, intimation having been made the day before that Masipula was ill, whereas he had been executed by the order of Cetywayo, simply because he had faithfully served Dingaan and Panda. This murder, like the many others of which this King, by our installation has been guilty, might, if they had happened in the days of his father, have been allowed to pass without notice, but he has now made us parties to his atrocities. No sooner had he obtained our formal recognition of his position, amid the thunder of artillery and the sound of trumpets, and no sooner had Mr. Shepstone turned his back upon Zululand, than the Zulu King cast his engagements to the winds, murders were continued, and the mission stations which had been befriended during his father's life-time, were so persecuted and tormented that the converts were scattered and no missionary is now in Zuiuland. With such a King no promise is sacred, and no conditions binding.

While professing friendship to us, Cetywayo's support and countenance are found on the side of our enemies. Between Moshesh and Panda friendly relationships had long existed. Shortly after the surrender of Langalibalele to us by Molapo, Moshesh's second son in rank, Molapo, as in the days of his father and the days of Cetywayo's father, sent an embassy to Cetywayo to condole with him on the death of Panda, and to congratulate him on his accession to the Zulu sovereignty.

Molapo's messengers were not permitted to approach Cetywayo. He directed that they should be driven back with indignity from the borders of Zululand, from whence their advance had been announced, and they were directed to inform Molapo that he had made himself a traitor to the coloured races by surrendering Langalibalele to the white men, and that for this act Cetywayo would be avenged upon him. This was about a year after his installation by us, and while he was professing the greatest friendship towards us.

The falsehood of the Zulu King with regard to the Utrecht land question is quite on a par with his other actions. After misleading the Natal Government upon the merits of the case, it is now discovered on the clearest and most incontrovertible proof, that a formal cession was made of this disputed land by Panda to the Transvaal Republic, and this cession is by no means an unreasonable or unlikely action, for Panda, remembering the kindness he had received from the Dutch when he was in exile in their midst, would not have hesitated to grant them a strip of land up to that time unoccupied by the Zulus.

But to descend from great matters to small ones, the duplicity of the Zulu King has recently been illustrated in his transaction with Advocate Colenso and Dr. Smith, whom he had nominated as his representatives with the Natal Government. Some difficulties appear to have been raised in this matter by the Natal Government, and instead of Cetywayo withdrawing from the position in an honest manner, or even defending it, if he thought fit, he simply repudiates the whole transaction and denies ever having made the proposals to Advocate Colenso and Dr. Smith, while there can be no doubt that the proposal was actually made.

We have also the outrage in Transvaal, now British territory, by Umbelini. It is true that Cetywayo professed to disapprove of the act, and said we might punish Umbelini, but he had then taken refuge in Zululand, and with the few armed men then at our disposal it would have been madness to send a force into the Zulu country as it would have been resisted.

If Cetywayo disapproved of Umbelini's act, it remained with him either to punish the offender, or to hand him over to the Transvaal authorities to be dealt with by them.

In addition to Umbelini's case we have the recent atrocity wherein two women, connected with the Zulu Chief Sirayo, were forcibly taken out of this Colony and brutally murdered, almost before our eyes.

It may be said that these outrages were committed against the wish or without the sanction of Cetywayo, if so they indicate the sentiments of the Zulu people, and show that they desire to come to a rupture with us, and if this be so, whatever may be done to stave off difficulties or obtain a settlement of special cases, the evil still remains, and in spite of all we do, or Cetywayo may do, other acts will happen and bring about a rupture.

In conclusion I may remark that Cetywayo's hand has been clearly traced in our recent troubles on the Cape Frontier as well as in the Transvaal.

In July or August 1877 Umquikela wrote to the High Commissioner expressing his willingness to obey the decision of his Excellency in regard to the surrender of the murderers in the matter of Somfuland; at the same time Sikukuni was cheerfully paying his war indemnity to the Transvaal Government. Cetywayo however appears upon the scene, and matters are changed. To Umquikela a deputation is sent, and from information received it appears that the mission was for the establishment of friendly relationships with the Pondos, with a promise of aid from Cetywayo in case the Pondos should come into conflict with us, and it was further reported that the Pondos had been urged to comply with none of our demands.

After the deputation had been in Pondoland for about three months, Umquikela having reported nothing to us regarding Cetywayo's messages, I, by direction of the High Commissioner, wrote to Umquikela to inform him of what we had heard, expressing surprise that he should receive such overtures from the Zulus, who till our intervention had destroyed the Pondos, and would do so again did we permit it. Umquikela denied that Cetywayo had sent any overtures hostile to us, but that Cetywayo's messengers had simply been sent to beg for dogs and skins.

This may have been the pretext, but it is by no means likely that it was the true object of the mission, which was prolonged for three or four months. At any rate during

the stay of Cetywayo's messenger, Umquikela, notwithstanding the promise contained in his letter to the High Commissioner, absolutely refused to surrender the murderers who had fled from justice, and who were then in his country. At the same time Kreli, who had personally been opposed to taking up arms against the Government, suddenly changed his policy, and had the war paint placed upon his forehead, for it was said the Zulus were coming to aid the Kafirs, and to within a very recent period Galekas and Gaikas hoped to obtain aid from this source.

In the Transvaal at the same time the same influences were visible. As has already been remarked, Sikukuni was cheerfully paying his war indemnity, but having received a deputation from Cetywayo with the present of 100 oxen, Sikukuni suddenly changed his course of action, the payment of the war indemnity ceased, and from thence began the troubles which have led to the present position in the Transvaal, and for this Cetywayo is directly responsible.

Whether or not he may be regarded as being directly responsible for our troubles in Griqualand West is not clear, but there is no doubt that whether by Cetywayo's sanction or not the tribes in Griqualand West counted on the support of the Zulus before they took up arms against the Government.

At present the Zulus are a standing menace to us, their influence is felt by the tribes from the Zambesi to the mouth of the Orange River, and so long as they are in a position to exercise this influence, the peace of the tribes around us and in our midst rests on a most unstable foundation.

No treaty obligation can be binding on such a perfidious race as the Zulus, ruled by a treacherous and blood-thirsty sovereign like Cetywayo. Our future safety, as well as the voice of humanity, demand that the power of the Zulus should be broken, and that the innocent blood which is daily shed upon our borders should cease to flow.

The only guarantee which we can have for the securing of peace, short of breaking up the Zulu power, is the maintenance of so large a force on their front as the Imperial Government could not keep up or South Africa maintain. We have now such a force at our disposal we will never again have it. In its presence Cetywayo may promise to abide by any conditions we may name with the full determination of breaking through them as soon as our forces are withdrawn, and should we withdraw without breaking up the power of Cetywayo, our position in South Africa will be worse than ever it has been before. Cetywayo's high prestige will be raised still higher. It will be imagined that we have raised a large force to attack him and then feared to do so, and the effect upon him will be to make him more overbearing than ever.

Even though the peace of South Africa were not endangered by the attitude of the Zulus, even though we ourselves were not in jeopardy, we have a right to interfere; that right has not been sought by us; the Zulus voluntarily and publicly applied for it, they acknowledged their subordination to us when they solicited the installation of their King by us, we accepted the position. To gain their ends they agreed to certain conditions, and though no doubt Cetywayo agreed to their stipulations with the determination to observe none of them, this does not alter our position, and leaving out of the qnestion the other points at issue between us and the Zulus, we have full right to insist on the strictest fulfilment of the obligations undertaken, and which were the force paid for our support and countenance and to enforce them if need be by the sword.

The time has arrived for decisive action, we will never again have so favourable an opportunity as the present, if it is lost, sooner or later we will be taken at a disadvantage.

(Signed) C. Brownlee,
Resident Commissioner Native Affairs,
Cape Colony.

No. 39.

J. GORDON SPRIGG, Esq., CAPE OF GOOD HOPE, to the Right. Hon. Sir MICHAEL HICKS BEACH. (Received January 2, 1879.)

Colonial Secretary's Office,
Cape Town, Cape of Good Hope,
December 10, 1878.

Sir,

I have the honour, in the absence of his Excellency the Governor, to acknowledge the receipt of your Despatch of the 14th ultimo,* referring to numerous communications received by you from relatives and friends of the members of the Frontier Armed and Mounted Police Force serving in this Colony complaining of the manner in which the members of that force have been treated under the Act passed in the last session of the Cape Parliament for the re-organisation of the force under the new designation of the Cape Mounted Riflemen.

As the Governor is now in Natal, and some time must elapse ere a reply to your communication can be made by his Excellency, I have deemed it best to place you in possession of such information as may enable you to judge for yourself, and to give a general and complete answer to all such complaints.

I may premise by stating that the hardships endured by the members of this corps during the late war were simply those incidental to any warfare. I can only say that they were cheerfully shared by Her Majesty's troops and by the burgher and volunteer forces of the Colony, and that they were no greater than the exigencies of the circumstances rendered inevitable.

The Corps of Frontier Armed and Mounted Police was raised in 1855.

It was incorporated under the Act and Regulations herewith enclosed marked A and B.

After consultation with the late Commandant, Sir Walter Currie, the pay and allowances of officers and men were fixed on a high and liberal scale for the purpose of making the force independent of commissariat and other encumbrances, and on the understanding, as is clearly shown by the regulations, that the members of the corps should provide themselves with quarters, tents, rations, horses, equipment, and all other necessaries.

This arrangement answered admirably, and was found to work satisfactorily both to the public and to the men of the corps in ordinary as well as in exceptional circumstances, such as the Langalibalele and other campaigns in which the force was employed.

From time to time the conditions of service were altered in the interests of the officers and men.

Additional pay was awarded for long service and good conduct, and the ordinary scale of pay and allowances was considerably raised.

To encourage the deserving members of the force it was conceded to make all promotions from the ranks of the corps. Medical officers were appointed, and treatment in hospitals was afforded.

No dissatisfaction whatever was found to exist until the augmentation of the force was decided upon in 1876.

It was then deemed necessary to obtain recruits from England.

The emigration office, when the recruiting was opened, was at once overwhelmed with applicants, and the agent sent out, amongst others, a number of men who had failed in life, who had fallen short in their examinations for liberal professions, and others who were morally unsuited for, and had on arrival here conceived the strongest dislike to the service which they had entered.

Some of those who came out to join the force evinced so much ill-feeling and bad spirit that they were allowed to decline taking the oath of allegiance or were discharged immediately after joining, having in some cases given much trouble and created serious disaffection amongst their comrades.

This evil, resulting from the imprudent selection of recruits, became so formidable that the letter marked C was addressed to the emigration agent in London.

Whilst the force was thus being augmented, the war on the frontier broke out.

It no doubt entailed some, but by no means excessive hardships.

The members of the corps had to render military service in accordance with the conditions under which they were engaged.

They were, however, treated with exceptional favour.

Whilst enjoying a very high rate of pay, out of which they were bound to provide themselves with everything in the shape of horses, equipment, food, &c., they were allowed rations and forage at the public expense.

* No. 1.

They were also supplied with tents and camp equipment, and in every way generously and liberally treated by the Government at a very heavy cost.

In due time, however, when peace was restored, these privileges, accorded during the exceptional period of war, had of course to be withdrawn, and the corps had to be called upon to revert to the original conditions of service.

This change, as might have been expected, was by no means to be accomplished without much opposition and dissatisfaction.

It is, indeed, the true cause of all the discontent which has since manifested itself in the force.

But knowing well that this ground of complaint was untenable, the malcontents endeavoured to make it appear that their grievances were due to other causes, equally unsustainable.

In the last session of Parliament the Act marked D was passed.

It will at once be seen that this Act in no way altered the conditions of service of the corps, and that it really had no other effect than that of substituting the designation of "Cape Mounted Riflemen" for that of "Frontier Armed and Mounted Police."

The terms of the original contract have not been changed, nor will they be changed without the authority and consent of the Legislature, than which the corps can have no better guarantee for the security of their rights and privileges, all of which have been and will be most scrupulously respected.

The term of service has not been altered, nor has any man been asked to enlist for six years.

No articles of war have been thought of or mentioned.

But it was on the change of name of the corps that the discontented men hung their grievances, and sought to shirk further service.

Encouraged, for political or private purposes, by a very small portion of the frontier press, some 20 men refused duty. They were arrested, legally tried, convicted, sentenced to six months' imprisonment, and on petition, confessing their guilt and error, and promising to return and discharge their duty faithfully, they were released before half their term of imprisonment had expired.

The firm attitude of the Government on this occasion has had the desired effect. Only 12 men out of the whole corps are now under arrest for anything like insubordination.

I may mention that the proceedings in the case of the convicted men, copy of which is enclosed and marked E, have received the full approval of the Judges of the Eastern District Court.

In conclusion I beg to assure you that every effort is being made by the Government to render the corps thoroughly effective; and with that object in view, the comfort and welfare of its members is receiving the most careful consideration and the most anxious attention.

I have, &c.

The Right Hon. the Secretary of State for the Colonies.

(Signed) J. GORDON SPRIGG.

A.

ACT No. 3,—1855.

V. R.

CAPE OF GOOD HOPE.

AN ACT for the better Organization and Regulation of an Armed and Mounted Police Force upon the Frontier of this Colony.

Preamble. For the purpose of providing for the better organisation and regulation of an armed and mounted police force upon the frontier of this Colony: Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and the House of Assembly thereof, as follows:—

Police force to be embodied. I. It shall be lawful for the Governor to cause such a sufficient number of fit and able men as Parliament shall from year to year provide for to be embodied to serve as an armed and mounted force, who shall be sworn before a justice of the peace to act as a police in and throughout the Colony, for preserving the peaee and preventing robberies and other crimes, and apprehending offenders against the peace.

Governor may appoint commandant II. It shall also be lawful for the Governor, by warrant under his hand, to appoint a commandant and inspectors of such police force, or such other officers as he may deem

expedient for the general superintendence and management of the said force; and such commandants, inspectors, and other officers from time to time to displace and remove, and to appoint others in their place, as to him shall seem meet. and other officers.

III. It shall also be lawful for the Governor from time to time to make such regulations respecting the training, arms, and accoutrements, clothing and equipment of such force, and respecting all other matters connected therewith, as may be required for promoting the discipline and efficiency thereof; and also to direct the employment and distribution of the said force, within or without the Colonial boundary, as to him shall seem meet. Governor may make regulations for the force.

IV. It shall be the duty of the commandant, inspectors, and other officers of the said force to suppress all tumults, riots, affrays, or breaches of the peace, in any part of the Colony where they may be on duty. The force to suppress all tumults, &c.

V. The members of the aforesaid force, so sworn as aforesaid, shall (except as in the 14th section is excepted) throughout the Colony have all such powers and privileges, and be liable to all such duties and responsibilities as any policeman may by law have or be liable to, and shall obey all lawful directions touching the execution of their office which they may from time to time receive from such commandant or any inspector or other officer. Legal powers of the members of the force.

VI. For the purpose of securing obedience to the regulations from time to time to be made for promoting the discipline and efficiency of the said force, it shall be lawful for the commandant to stop from the pay of any policeman offending against any such regulation any sum not exceeding twenty shillings in respect of every such offence, or to cause such policeman to be taken before any resident magistrate; and every such policeman, upon conviction before any court of resident magistrate of any offence against the regulations so to be made as aforesaid, shall forfeit and pay any sum not exceeding twenty pounds nor less than five shillings, to be recovered in a summary way; and shall, in addition to such fine, or in default of payment thereof, be liable to be imprisoned, with or without hard labour, for not less than one week nor more than three calendar months in any gaol or place of confinement within the Colony. Pay may be stopped for breaches of regulations, or policemen may be prosecuted for such breaches.

VII. It shall be lawful for the commandant for the time being to suspend or dismiss from his employment any such policeman whom he shall think remiss or negligent in the execution of his duty or otherwise unfit for the same; and when any such policeman shall be so dismissed, or shall otherwise cease to belong to the said force, all powers and authorities vested in him by virtue of this Ordinance shall cease and determine. Commandant may suspend or dismiss policemen.

VIII. If any such policeman shall take a bribe, or any gratuity whatever, for suffering any person lawfully in his custody to escape, or shall wilfully neglect to execute any warrant entrusted to him, every such policeman shall forfeit and pay for every such offence any sum not exceeding twenty pounds, or be imprisoned and kept to hard labour for any period not exceeding six calendar months, as to the convicting magistrate shall seem meet: Provided that nothing in this section contained shall be construed so as to prevent such policeman from being prosecuted otherwise than under this section for any act in contravention thereof which shall by law be punishable more severely than in this section is provided. Penalty upon policemen taking bribes or gratuities.

IX. If any such policeman shall during the period for which he shall have engaged to serve in the said force desert from the same, or refuse to serve therein, every such offender shall forfeit and pay for every such offence any sum not exceeding twenty pounds, to be recovered in a summary way, or be imprisoned and kept to hard labour for any period not exceeding six calendar months, as to the convicting magistrate shall seem meet. Penalty for desertion or refusal to serve during term of service.

X. All fines or penalties which may be recovered by virtue of this Act shall be given and paid one third to the informer or prosecutor, if demanded, and the residue for the use of Her Majesty, her heirs and successors, for the public uses of the Colony, and the support of the Government thereof: Provided always, that when any policeman belonging to the said force shall be entitled to the whole or a proportion of any forfeiture, penalty, or seizure under this Act, or any other law or ordinance in force for the time being, the amount or proceeds thereof shall go to a general fund, to be distributed at the end of every year among the policemen belonging to the said force, according to such regulations as the Governor shall direct and determine; and in default of any such regulations and directions, the same shall be paid to the person entitled thereto immediately upon the recovery thereof. Application of fines levied under this Act.

XI. If any licensed or unlicensed dealer in wines and spirits or any intoxicating liquors shall knowingly harbour or entertain any policeman belonging to the said force, or Penalty upon dealers in

wines, &c. who harbour policemen.

permit such policeman to abide or remain in his house, shop, room, or other place during any part of the time appointed for his being on duty elsewhere, every such dealer shall, for a first offence, forfeit and pay any sum not exceeding ten pounds, to be recovered in a summary way; and for a second or subsequent offence shall be liable, besides such penalty, to imprisonment for any period not exceeding one month, with or without hard labour.

Governor may grant rewards and compensation in certain cases.

XII. It shall be lawful for the Governor to award to any of the policemen belonging to the said force such sum of money as to him shall seem meet, as a reward for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries received in the performance of their duty, or as an allowance to such of them as shall be disabled by bodily injury received, or shall be worn out by length of service.

Persons acting in execution of this Act, to receive notice of action, and to be entitled to tender amends.

XIII. For the protection of persons acting in the execution of this Act, all actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within four calendar months after the fact committed, and not otherwise: and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought by or on behalf of the defendant, together with the costs incurred up to that time; and if a verdict shall be given for the defendant, or the plaintiff be nonsuited, or discontinue any such action after issue joined, or if upon exception or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client. And though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the judge before whom the trial shall be shall certify his approbation of the action, and of the verdict obtained thereupon.

Ordinance, No. 25, 1847, not to extend to the force embodied under this Act.

XIV. Nothing contained in the Ordinance No. 25, 1847, entitled "Ordinance for "improving the police of the Colony," shall extend to the force aforesaid in this Act mentioned.

Construction of the word "Governor."

XV. For the purposes of this Act, the word "Governor" shall be taken to include the Officer Administering the Government of the Colony for the time being.

Act when to commence.

XVI. This Act shall commence and take effect from and after the promulgation thereof.

Given at Government House this 8th day of June 1855.

By command of his Excellency the Governor,

RAWSON W. RAWSON,

Colonial Secretary.

ACT No. 21 OF 1856.

V. R.

AN ACT for better securing the Efficiency of the Armed and Mounted Police Force upon the Frontier of this Colony.

Preamble.

WHEREAS by the Act No. 3, 1855, entituled "An Act for the better organization and "regulation of an Armed and Mounted Police Force upon the Frontier of this Colony," provision was made for the organisation and regulation of such a force: And whereas it will conduce to the efficiency of the said force that due provision be made by law for prohibiting the sale or other disposal of the horses, arms, and accoutrements required by the members of the said force for the performance of their duties: Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:—

Members shall not sell or otherwise dispose of any article of equipment. Penalty for so doing.

I. No member of the police force aforesaid shall sell, pledge, or otherwise dispose of any horse, saddle, bridle, gun, clothing, ammunition, or other article or equipment which by the regulations of the said force for the time being he shall be required to keep and possess, and every sale, pledge, or other disposition of any of the matters aforesaid shall be null and void; and any member of the said force who shall make or attempt to make any sale, pledge, or other disposition as aforesaid, in contravention of this section, shall incur and be liable to a fine not exceeding twenty pounds, and in default of

payment thereof shall be liable to be imprisoned and kept at hard labour for any period not exceeding three months.

Persons purchasing or receiving such articles liable to penalty.

II. If any person shall, in consequence of any sale, pledge, or other disposition made by any member of the said force, in contravention of the last preceding section, knowingly receive or have any animal, article, matter, or thing in the said section mentioned, such person shall incur and be liable to a fine not exceeding twenty pounds, and, in default of payment of payment thereof shall be liable to be imprisoned and kept at hard labour for any period not exceeding three months.

Such articles not attachable by writ nor subject to order of sequestration.

III. No animal, article, matter, or thing mentioned in the first section of this Act, and therein forbidden to be sold, pledged, or otherwise disposed of, shall be capable of being seized or attached by or under any writ of execution which may be sued out against any member of the said force, nor shall the same pass by or under any order made for the sequestration of the estate of any such member.

Limits of Act.

IV. Nothing in this Act contained shall extend to the commandant or to any inspector of the said police force.

Act when to commence.

V. This Act shall commence and take effect one month from and after the promulgation thereof.

Given at Government House, this 4th day of June 1856.

By command of his Excellency the Governor,

RAWSON W. RAWSON,
Colonial Secretary.

ACT No. 3 OF 1868.

V. R.

CAPE OF GOOD HOPE.

ANALYSIS.

Preamble.
1. Members of Frontier Armed and Mounted Police exempted from payment of toll and ferry charges when on duty.
2. Penalty for wilful detention of member of force.
3. Penalty for personating member of force for purpose of evading toll or ferry charges.
4. Provision as regards contracts for lease of tolls or ferries entered into previous to passing of Act.

ACT to exempt from Tolls Officers and Men of the Frontier Armed and Mounted Police.

Preamble.

WHEREAS it is desirable that the officers and men of the Frontier Armed and Mounted Police should be exempted from payment of the tolls which are usually and of right levied at the several toll-bars and ferries in the Colony: Be it therefore enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:

Members of Frontier Armed and Mounted Police exempted from payment of toll and ferry charges when on duty.

I. Every officer and man of the Frontier Armed and Mounted Police who, duty it shall be in proceeding to or from any place to pass through any toll-bar, or over any ferry, at or in respect of which the payment of toll shall now be or may hereafter be lawfully demanded, shall be exempted from the payment of any such toll in respect of himself and of any animal and vehicle that may be required for the performance of the duty on which he may be employed.

Penalty for wilful detention of member of force.

II. If any person duly authorised to collect tolls in respect of any ferry shall wilfully subject any officer or man of the said Frontier Police to unreasonable delay or detention in respect to the passage over such ferry, then such person shall be liable on conviction to a penalty not exceeding five pounds nor less than ten shillings.

Penalty for personating member of force for

III. If any person, not being an officer or man of the said Frontier Police, shall wilfully personate such officer or man, or if any such officer or man of the Frontier Armed and Mounted Police Force not then being on duty shall falsely represent himself to be such

purpose of evading toll or ferry charges.

officer or man on duty, with the intent to evade the payment of any toll legally payable by him, such person shall on conviction be liable to a penalty of five pounds sterling, or in default thereof to imprisonment for a period not exceeding one calendar month.

Provision as regards contracts for lease of tolls or ferries entered into previous to passing of Act.

IV. And whereas at the present time certain persons have become bound under contracts to pay to the divisional council, of certain divisions in which toll-bars and ferries are situated certain sums of money for the period stated in such contracts, on condition of being permitted to demand and to receive the tolls legally payable at such toll-bars and ferries during such periods: Be it therefore further enacted, that no officer or man of the said Frontier Police shall be entitled to claim any of the privileges conferred upon him by this Act in respect of any toll-bar or ferry mentioned in this section so long as the tolls thereof shall be held under any lease actually in existence at the date of the taking effect of this Act, unless such officer or man shall, at the time of claiming such privilege, deliver to the person claiming payment of toll by him a ticket showing that such officer or man was travelling on duty and likewise describing the amount which might otherwise have been of right demanded of him. And the person to whom such ticket shall be delivered shall be entitled to demand and receive payment of the said amount from the civil commissioner of the division.

Given at Government House, this 2nd day of September 1868.

By command of his Excellency the Governor,

R. SOUTHEY,
Colonial Secretary.

ACT No. 2 OF 1875.

V. R.

CAPE OF GOOD HOPE.

ANALYSIS.

Preamble.
1. Section 12 of Act No. 3 of 1855 repealed.
2. Governor in Council may order superannuation of any member of the force. Conditions under which members may be superannuated.
3. Gratuities to members disabled by injuries received in execution of their duty.
4. Pension forfeited by making false claim for it, and not claimable during punishment for crime.
5. Mode of calculating pensions or gratuities.
6. Pension cannot be transferred, attached, arrested, or levied upon.
7. Members not of right entitled to pension or gratuity, &c.
8. Short title.

ACT to regulate and provide for the payment of Superannuation Allowances to Members of the Frontier Armed and Mounted Police Force. [Assented to 30th June 1875.]

Preamble.

WHEREAS it is expedient that due provision should be made for the superannuation of members of the Frontier Armed and Mounted Police Force: Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:

Section 12 of Act No. 3 of 1855 repealed.

I. The twelfth section of the Act No. 3 of 1855, entitled "An Act for the better "Organization and Regulation of an Armed and Mounted Police Force upon the Frontier "of this Colony," is hereby repealed.

Governor in Council may order superannuation of any member of the force.

II. It shall be lawful for the Governor, with the advice of the Executive Council, and under the conditions hereafter mentioned, to order that any member of the said force, of whatever rank, shall be superannuated, and thereupon to authorise and direct that such member shall receive from and out of the public revenue of this Colony a gratuity or yearly pension as follows, that is to say, if such member shall have served in the said force for a period less than fifteen years, a gratuity equal to one month's pay for each year's service, the pay being taken to be that received by such member at the time of his superannuation, and if such member shall have served in the said force for a period of fifteen years, an annual pension equal to fifteen-fiftieths of the yearly pay of such member,

Conditions under which members

which pay shall be taken to be the average of his yearly pay for the three years next preceding his superannuation, and an additional one-fiftieth of such yearly pay for each year such member shall have served in the said force beyond the said period of fifteen years; but no such member shall receive a pension equal to more than thirty-fiftieths of his yearly pay as aforesaid, unless in the cases hereafter mentioned, and provided that no member of the said force who shall be under the age of fifty years shall be capable of receiving any such gratuity or pension unless it shall be certified in writing by the surgeon of the said force, or some other competent medical officer to be appointed by the Governor for the purpose, that such member from infirmity of mind or body is incapable of discharging the duties of his situation, and that such infirmity is likely to be a permanent one. may be superannuated.

III. In case any member of the said force shall be disabled for the performance of his duty by reason of any wound or injury received by him when in the field and engaged with an enemy, or in the actual execution of his duty, or any member of the said force shall in the opinion of the Governor have merited the same, it shall be lawful for the Governor, with the advice of the Executive Council, to award to such member, whatever may be his age or time of service, such gratuity not exceeding an amount equal to three years' pay, or such yearly pension not exceeding the full pay of such member as to him may seem fit: Provided that the reasons for giving any such gratuity or pension shall be set forth in the warrant or authority granting the same, and a return showing the amounts and particulars of any payments under this section shall be laid on the table of both Houses of Parliament, at the then next ensuing session of Parliament. Gratuities to members disabled by injuries received in execution of their duty.

IV. If any member of the said force in receipt of a pension under this Act shall wilfully or knowingly have made or caused to be made any false statement or representation in order to obtain such pension, he shall forfeit all right and claim to such pension, and no pension shall be claimable by any pensioner during the time he may be undergoing punishment for any crime. Pension forfeited by making false claim for it, and not claimable during punishment for crime.

V. In calculating the amount of any gratuity or pension payable under this Act, if the person to receive the same shall at the time of his superannuation have been obliged to keep a horse or horses out of his pay, the sum of twenty pounds for the keep of each such horse shall be deducted from such pay. Mode of calculating pensions or gratuities.

VI. No pension payable under this Act shall be assignable or transferable, nor shall the sum be attached, arrested, or levied upon for or in respect of any debt or claim due by the recipient thereof or his wife. Pension cannot be transferred, attached, arrested, or levied upon.

VII. Nothing in this Act contained shall be construed so as to entitle any member of the said force to claim as a matter of right any gratuity or pension as aforesaid, or to prevent any such person from being unconditionally dismissed or discharged from the said force. Members not of right entitled to pension or gratuity, &c.

VIII. This Act may be cited for all purposes as the "Frontier Armed and Mounted Police Pension Act, 1875." Short title.

ACT No. 14 OF 1875.

V. R.

CAPE OF GOOD HOPE.

ANALYSIS.

Preamble.
1. Sixth and ninth sections of Act 3 of 1855 repealed.
2. Courts before which contraventions of the regulations may be tried. Punishments on conviction.
3. Board of officers to have jurisdiction under section 8 of Act 3 of 1855, and section 1 of Act 21 of 1856.
4. Contravention of regulations may be tried by commanding officer instead of courts under section 2, provided accused does not object.
5. Mode of proceeding when offence is to be tried under section 2.
6. Constitution of board of officers under section 2.
7. Mode of trial and proceedings before board of officers.
8. Summoning of witnesses by board of officers.

9. Certain judgments by board of officers to be subject to the revision of a Judge of the Supreme Court.
10. Certain offenders may be imprisoned in guard room or police prison by order of the commandant.
11. Period of imprisonment not to count as service.
12. Offender need not be prosecuted under this Act, if otherwise punishable.
13. Disposal of fines, &c.
14. Interpretation of terms, &c.
15. Short title.

ACT to amend the Law relating to the Frontier Armed and Mounted Police Force, and to provide for the greater Efficiency of the said Force. [Assented to 30th June 1875.]

Preamble.

WHEREAS it is expedient to amend in certain respects the law relating to the Frontier Armed and Mounted Police Force, and to make further provision for securing the efficiency of the said force: Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows:

Sixth and ninth sections of Act 3 of 1855 repealed.

I. The sixth and ninth sections of the Act No. 3 of 1855, intituled "An Act for the "better Organisation and Regulation of an Armed and Mounted Police Force upon the "Frontier of this Colony," are hereby repealed.

Courts before which contraventions of the regulations may be tried.

II. Any policeman who may be charged with the offence of contravening any regulation already made, or which may hereafter be made, under and by virtue of the third section of the said Act No. 3 of 1855, or any of the offences in the schedule hereto, may be tried by and before:—1. Any of the superior courts of law in this Colony within the jurisdiction of which such offence shall have been committed; 2. The court of the resident magistrate of the district in which such offence has been committed; or 3. A board of officers as herein-after mentioned. And shall upon conviction be liable to be punished as follows:—

Punishments on conviction.

1. If the conviction shall be before any of the said superior courts such court may sentence the offender to pay a fine not exceeding twenty pounds, and in default of payment thereof to be imprisoned, with or without hard labour, for any period not exceeding five years; or to be imprisoned as aforesaid without the infliction of any fine; or to both such fine and such imprisonment.
2. If the conviction shall be before a court of resident magistrate, such court may sentence the offender to pay a fine not exceeding ten pounds, and in default of payment thereof to be imprisoned, with or without hard labour, for any period not exceeding six months; or to be imprisoned as aforesaid without the infliction of any fine; or to both such fine and such imprisonment.
3. If the conviction shall be by a board of officers, such board may sentence the offender as mentioned in the last preceding paragraph.

Board of officers to have jurisdiction under section 8 of Act 3 of 1855, and section 1 of Act 21 of 1856.

III. The said board of officers shall have the like jurisdiction and authority to hear and determine any offence mentioned in the eighth section of the said Act No. 3 of 1855, and in the first section of the Act No. 21 of 1856, intituled "An Act for better "securing the efficiency of the Armed and Mounted Police Force upon the frontier "of this Colony," as if such board were the resident magistrate of the district within which such offence was committed.

Contravention of regulations may be tried by commanding officer instead of courts under section 2, provided accused does not object.

IV. In case any policeman shall offend against any such regulation as aforesaid it shall be lawful for any officer commanding a troop, or any officer commanding a detachment of the said force, to stop from the pay of such policeman any sum not exceeding one pound, or to sentence him to imprisonment, with or without hard labour, for any period not exceeding fourteen days, or such officer may take proceedings for the purpose of such policeman being tried under the second section of this Act; provided that a policeman shall, if he so request, have a right to have such proceedings taken instead of being tried by such officer; and provided also that any officer who shall try any policeman under the provisions of this section shall forthwith after such trial forward the proceedings in and full particulars of the case to the commandant.

Mode of proceeding when offence is to be tried under section 2.

V. Upon any policeman being charged with having committed any of the offences herein-before mentioned, the charge, in case the offence shall not have been summarily dealt with under the last preceding section, shall be forthwith reported to the officer in command of the troop or detachment to which such offender is then attached, who shall thereupon forthwith report the particulars of the case to the commandant, who shall,

having regard to the said particulars and the nature and magnitude of the offence, direct whether the offender shall be proceeded against before a board of officers as aforesaid, before the court of resident magistrate having jurisdiction in the case, or (as to offences in the second section hereof mentioned) before a superior court as aforesaid: Provided that nothing herein contained shall prevent the said officer or the commandant from ordering the discharge of any prisoner in case it appears to him that there are not sufficient grounds for putting such prisoner upon his trial; and if the proceedings are directed to be before a superior court, or before a court of resident magistrate, they shall be the same in all respects as in the case of an ordinary offender or supposed offender against the law, and the said policeman shall be in the same plight and condition as any other person charged with a criminal offence.

Contribution of board of officers under section 2.

VI. The board of officers herein-before mentioned shall consist of not less than three officers of the said force, of whom the commandant may be one; and the said officers shall be selected and summoned by the commandant. The commandant if present, and if not the senior officer present, shall be the president of such board, and the decision of the majority of the members of such board shall be deemed to be the decision of such board; provided that in case the members of the said board shall be equally divided in opinion, the decision of the president shall be deemed to be the decision of the board.

Mode of trial and proceedings before board of officers.

VII. The proceedings before and at any trial by a board of officers shall, except otherwise herein mentioned, as near as may be, be the same as those from time to time prescribed as to criminal cases in a court of Resident Magistrate; and all the evidence which may be given before such board shall be taken down in writing by the president thereof, by whom also the witnesses shall be duly sworn; and any person so sworn who shall wilfully and corruptly give false evidence before any such board shall be deemed to be guilty of the crime of perjury, and upon conviction thereof shall suffer any punishment by law provided for that crime.

Summoning of witnesses by board of officers.

VIII. Every person who may be required to give or produce evidence in any case pending before any such board shall be summoned in writing by any officer of the said force; and all witnesses so duly summoned who shall not attend or attending, shall refuse to be sworn, or being sworn shall refuse to give evidence, or not produce the documents under their power or control required to be produced by them, or to answer all such questions as the said board may legally demand of them, shall be liable to be dealt with by such board in like manner as if such witness had been a witness duly summoned to appear before a Resident Magistrate in a criminal case pending in the court of such Resident Magistrate.

Certain judgments by board of officers to be subject to the revision of a judge of the Supreme Court.

IX. When and as often as any such board as aforesaid shall sentence any policeman to be imprisoned with or without hard labour for any period exceeding fourteen days, or to pay a fine exceeding one pound, the president of such board shall forthwith, after pronouncing such sentence, transmit the original proceedings in the case, together with such remarks, if any, as he may desire to append, to the Registrar of the Supreme Court, or if the trial has taken place within the jurisdiction of the Eastern Districts Court, to the Registrar of that court; and the provisions of the forty-seventh, forty-eighth, and forty-ninth sections of the Act No. 20 of 1856, intituled "An Act for amending and consoli- "dating the Laws relative to the Courts of Resident Magistrates," shall, *mutatis mutandis*, extend and apply to such proceedings as if the same had been proceedings in a case decided by a Court of Resident Magistrate which, under the said forty-seventh section, would have had to be sent for review by a judge of one of the superior courts.

Certain offenders may be imprisoned in guard room or police prison, by order of the commandant.

X. All policemen arrested for any offence under the said Acts No. 3 of 1855, No. 21 of 1856, or under this Act, and all policemen sentenced to imprisonment by an officer or board of officers as aforesaid, may be imprisoned in any building set apart as a guard-room or police prison by order of the commandant: Provided that in case the sentence shall exceed fourteen days' imprisonment, with or without hard labour, the person convicted shall be removed to the nearest public gaol, there to undergo such sentence, and when so removed he shall be in the same plight and condition as if the sentence had been a sentence of one of the ordinary courts of law of this Colony: And provided also, that so long as any policeman shall be imprisoned in any guard-room or police prison as aforesaid, the same shall as to such policeman be deemed to be a public gaol, and the prisoner shall be deemed to be a prisoner confined therein within the meaning of the Ordinance No. 24 of 1847, intituled "Ordinance for improving the Gaols of this Colony," but every board of officers aforesaid and the Resident Magistrate of the district shall have the like jurisdiction and powers as to offences committed by any such prisoner while imprisoned in any such guard-room or police prison as by the Ordinance aforesaid are given to the Resident Magistrate of the district as to public gaols within his district.

Period of imprisonment not to count as service.

XI. No period during which any policeman shall be imprisoned for any offence for which he shall be afterwards convicted, or during which any policeman shall be imprisoned under a sentence of any court or board as aforesaid, shall be reckoned for any purpose as part of the period of the service of such policeman in the said force, unless the court or board aforesaid ordering such imprisonment shall otherwise direct.

Offender need not be prosecuted under this Act, if otherwise punishable.

XII. Nothing in this Act contained shall prevent any member of the said force from being prosecuted otherwise than under the provisions of this Act in all cases in which he would by law, without this Act, be liable to such prosecution; but no member of the said force acquitted or convicted of any crime or offence shall be liable to be again tried for the same crime or offence: Provided that nothing herein contained shall prevent a member of the said force who has been acquitted or convicted from being dismissed from the said force or reduced in rank therein.

Disposal of fines, &c.

XIII. The portion, if any, of any forfeiture, penalty, or seizure to which any policeman might be entitled, as mentioned in the tenth section of the said Act No. 3 of 1855, shall belong to and be paid for the use of Her Majesty, her heirs, and successors, for the public uses of this Colony and the support of the Government thereof, instead of as in the said section mentioned.

Interpretation of terms, &c.

XIV. The term "commandant" in this Act shall mean the commandant of the said force, or the officer for the time being acting as such; the term "officer" shall include all members of the said force above the rank of sergeant; and the term "policeman" shall include all members of the said force below the rank of sub-inspector.

Short title.

XV. This Act may be cited for all purposes as the "Frontier Armed and Mounted Police Act, 1875."

SCHEDULE of OFFENCES referred to in Section II.

1. Beginning, inciting, causing, or joining in any mutiny or sedition.
2. Being present at any mutiny or sedition, and not using his utmost endeavour to suppress the same.
3. Conspiring with any other person to cause a mutiny or sedition.
4. Knowing of any mutiny or sedition, and not without delay giving information thereof to his immediate commanding officer.
5. Striking or offering violence, or using threatening or insubordinate language to a superior officer in the force, being in the execution of his duty.
6. Disobeying the lawful command of a superior officer in the force.
7. During the period for which he shall have engaged to serve in the said force deserting from the same or refusing to serve therein, or advising or persuading any other member of the said force to desert from the same, or knowingly receiving and entertaining any deserter, and not immediately on discovery giving information to his commanding officer, or taking other means to cause such deserter to be apprehended.
8. Misbehaving before the enemy, or shamefully abandoning or delivering up any fort, post, camp, station, or guard committed to his charge, or which it was his duty to defend, or inciting any other person so to do.
9. Discharging any firearms, making any signal, or by other means whatsoever intentionally occasioning false alarm in action, camp, or quarters.
10. Casting away his arms in presence of an enemy.
11. Being, while a sentinel, found sleeping on his post, or leaving the same before being regularly relieved.
12. Disclosing, verbally or in writing, the numbers, position, or preparations of the force or forces to which he is attached, and by such disclosure producing effects injurious to the service to which he belongs.
13. Being in the command of a guard, piquet, or patrol, and without proper authority, releasing any prisoner committed to his charge, or suffering him to escape.
14. Being found drunk on any duty under arms.
15. Malingering, feigning, or producing disease or infirmity, or wilfully maiming or injuring himself or any other member of the force, whether at the instance of such other member or not, or causing himself to be maimed or injured by any other person, with intent thereby to render himself or such other member unfit for service.

B.

GOVERNMENT NOTICE, No. 295. 1855.

Colonial Office, Cape of Good Hope,
December 1, 1855.

HIS Excellency the Governor directs the publication, for general information, of the subjoined minute of his Excellency the Commander of the Forces and Lieutenant-Governor, reorganising the Armed Mounted Police Force of this Colony, together with a list of the officers appointed to the force under the arrangements consequent upon its reorganisation and augmentation, under Act No. 3 of 1855, which have been confirmed by his Excellency the Governor.

By command of his Excellency the Governor,
(Signed) RAWSON W. RAWSON,
Colonial Secretary.

Head Quarters, Graham's Town,
October 17, 1855.

HIS Excellency Sir George Grey, K.C.B., Governor and Commander-in-Chief of the Colony of the Cape of Good Hope, &c. &c., having authorised his Excellency the Commander of the Forces and Lieutenant-Governor to reorganise and augment the Armed Mounted Police Force, in conformity with the Act of the Colonial Parliament, No. 3 of 1855, the Lieutenant-General Commanding the Forces is pleased to publish the following rules and regulations for this force, which is to consist of—

1 commandant at 1*l.* per diem, with travelling expenses.
4 inspectors at 15*s.* per diem each.
12 sub-inspectors at 11*s.* per diem, each.
20 sergeants at 5*s.* 6*d.* per diem, each.
20 corporals at 5*s.* per diem, each.
500 privates in two classes:
First class, 4*s.* 6*d.* per diem each.
Second class, 4*s.* 3*d.* per diem, each man.

1. Each officer to provide himself with two horses, and each non-commissioned officer and private with one horse.

2. In cases of emergency rations may be drawn at military posts from the commissariat department, the amount of which will be repaid by the men at contract price.

3. The force to be sworn in and enrolled for three years if their services are required for so long.

4. The entire equipment, as approved by the Commander of the Forces, is to be provided at the expense of the men.

5. Rewards will be given for extraordinary diligence or exertions, and compensation for length of service or for wounds or severe injuries received in the performance of their duty.

6. To induce a superior class of young men to join the force, cadets will be encouraged to enlist, in the hope of promotion, and deserving non-commissioned officers will be promoted from time to time to the rank of officers.

Such further rules and regulations as may he found necessary will be hereafter published for the general information of the force.

N.B.—Privates of the first class will be liable to be reduced to the second class for misconduct.

By command,
(Signed) E. S. SMYTH, Lieut.-Colonel,
Deputy Quartermaster-General.

GOVERNMENT NOTICE, No. 430, 1876.

Colonial Secretary's Office, August 9, 1876.

HIS Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the subjoined revised rules and regulations for the Frontier Armed and Mounted Police.

By order.
(Signed) CHARLES MILLS,
Under Colonial Secretary.

Rules and Regulations.

1. Each commissioned officer of the force must provide himself with and maintain in serviceable condition while he is in the force two horses, and each non-commissioned officer and private must provide himself with and maintain in serviceable condition while in the force one horse; and every non-commissioned officer and private must conform to such orders as may from time to time be issued for the care and charge of the horses of the force, as well as for the preservation of the saddlery, arms, clothing, and equipments.

2. Every non-commissioned officer and private shall at all times have a horse ready and fit for duty, and should the horse be unfit for duty from sore back or other cause arising from negligence or default, the owner of such horse shall be liable to a stoppage of 1*s.* per diem from his pay until the horse is again fit for duty, or another one substituted in lieu thereof. The amount of such stoppages to be added to the troop fine fund for the month in which the stoppage is made.

3. Each officer, non-commissioned officer, and private of the force shall provide himself with his horse, arms, equipments, and clothing, according to such mode or pattern as may be approved by the commandant. Payment for all these supplies will in the first instance be made as an advance to the members of the force for whom they are procured from the equipment fund, which fund is composed of moneys advanced by Government for this purpose, and for the due administration of which the Commandant and Paymaster of the force are jointly responsible.

4. As contracts for the supply of these articles have been and will from time to time be entered into, in order that they may be supplied of the best description and of a uniform pattern and at reasonable prices, they will be issued, on requisition from the officers commanding troops, by the contractors, and the amounts charged therefor will thereupon be deducted from the monthly pay of the recipient, who will be put on the stoppage list to an amount not exceeding 2*l.* per month in payment for the same.

5. These contracts shall be entered into from time to time in the following manner with such modifications as the commandant may deem necessary, viz.:—Tenders shall be invited for the supply of whatever is required for the use of the men, and when received shall be submitted to a board consisting of one commissioned officer, one non-commissioned officer, and one private of each troop for which the supplies are intended. These tenders shall be opened by the board, and it shall rest with them to recommend the Commandant to accept any one or more of these tenders, the final acceptance of the tender resting with the Commandant. The prices to be paid for supplies, and the prices at which they are to be charged to the men will be fixed by this Board subject to the approval of the Commandant.

6. For supplying remounts, a board consisting of not less than three members of the force, will be appointed by the Commandant for the selection of horses. This board, after having selected the animals tendered for purchase for the use of the force, will fix the price to be paid, subject to the approval of the officer commanding the troop and of the Commandant. Any member of the force will then be obliged to accept the horse at the price fixed.

7. If any supplies be obtained otherwise than under contract as above, the charges will not be recognised or met from the equipment fund unless in cases of emergency, when they may be obtained by the officers commanding troops or detachments and paid for in the usual manner.

8. The officers and men of the force will be required to serve at such stations or places as the Commandant may order with the approval of the Government.

9. The pay and allowances of officers and men of the force, as issued under the authority of Government, shall cover all expenses of equipment and subsistence, also the expense of the erection and repairs of all buildings and camps for their shelter and accommodation.

10. Patrols must be constantly sent out from each station, and a diary kept by the officer or non-commissioned officer in charge. The diaries to show the duties performed and the details of the management of stations, and to be sent to the officer commanding troops monthly, as early after the expiration of the month as possible.

11. When necessary, it shall be lawful for the commandant to suspend patrolling in the force or any portion of it, the commandant reporting his reasons for doing so to the Government.

12. A minute inspection of the horses, arms, equipments and ammunition of the force is to be made daily by the officer or non-commissioned officer in charge of a detachment, who will certify having done so to the officer commanding his troop. These certificates to be forwarded to the commandant monthly.

13. The commandant is responsible for and will be required to superintend the whole force. He will make a report monthly to the Government on its state, efficiency, strength, and distribution, calling special attention to every extraordinary occurrence, of which he will make a report at once. Stations of detachments are to be visited frequently by inspectors, who are responsible to the commandant for the discipline and efficiency of their respective troops.

14. The pay of the officers and men will be issued monthly subject to authorised deductions for horses, arms, equipments, clothing, forage, rations or advances.

15. The paymaster will be responsible that officers commanding troops are supplied with necessary funds for the regular payment of their men.

16. Each officer, non-commissioned officer, and private, is to be mustered on the last day of each month. Muster rolls to be forwarded to the paymaster.

17. Each officer commanding a troop shall keep a ledger account with each officer, non-commissioned officer, and private in his troop; such ledger account shall show all the credits and debits for each month and shall be closed at the end of every month.

18. The balance, debit or credit, shall be entered in the acquittance roll opposite each man's name, and each man shall have his account explained to him monthly, and sign the same in the presence of the officer commanding the troop or detachment.

19. The acquittance rolls, when signed by the men showing the balance of their accounts, shall be forwarded to the commandant regularly every month.

20. The ledger account shall give in detail all deductions for the equipment, rations, forage, &c., from the pay of each man. His signature thereto, as well as his signature to the acquittance roll, shall be a voucher that he is satisfied of the accuracy and correctness of his account at the end of each month.

21. Should any member of the force decline to sign the ledger on the acquittance roll, the reason for his so declining shall be immediately taken in writing and forwarded to the commandant, who will have the matter fully investigated without delay, and decide according to the result of his inquiry.

22. Any member of the force who shall wilfully deface the ledger or acquittance rolls, or refuse to sign the same without just and reasonable grounds, shall be liable to be tried and punished for disobedience of orders, or for making unfounded or frivolous complaints, according to the nature of the offence.

23. If necessary, the commandant or officers commanding troops are authorised to purchase and issue a proper ration or forage consisting of not less than ten pounds weight of oat hay, or its equivalent in grain, for the horses of any or all of the men of their several detachments, deducting the actual cost thereof from the pay of the men at the end of the month.

24. Losses sustained by any member of the force when on active service in encounters with the enemy may, if duly certified by a board of officers, be compensated according to the following scale:—Horse, not exceeding 25*l.* each; saddle and bridle, 6*l.* 5s.

25. District and other gaols may be used for the custody of members of the force who are charged with or have been convicted of any offence.

26. During the time any member of the force shall be imprisoned or absent from duty for any offence, for which he shall afterwards be convicted or after conviction, the whole of his pay, except 1*s.* 6*d.* per diem for rations and the keep of his horse, shall be forfeited to Government. The monthly account of stoppages under this rule to be forwarded to Government by the commandant.

27. Officers commanding troops and detachments will be held responsible that no man of the force shall be employed on any other than public duty, such duty however, to be considered to include the erection of huts or quarters, the necessary repairs to the same, fatigue duty, such as shall be required to ensure health and cleanliness in barracks, camps, stables, &c. The service of the members of the force will also be made available for the removal of stores, baggage, provisions, &c.

28. Whenever necessary it shall be lawful for officers commanding troops to order out patrols on foot, for the purpose of watching roads, forelaving footpaths, &c., such patrols to be of whatever duration circumstances may require.

29. All requisitions in writing from Government officer for arms, expresses, &c. are to be complied with if possible. Particulars of such services to be reported to the commandant, who will if necessary report to the Government.

30. All orders and directions issued to the force from time to time by the Government, by the commandant, or by officers of the force under his directions, shall be duly, faithfully, and properly obeyed and observed by the officers, non-commissioned officers, and privates of the force. Non-commissioned officers and privates of the force shall on all occasions salute their officers whether in or out of uniform.

31. Every officer, non-commissioned officer, and private shall behave and address himself in a respectful manner towards his superior officer, and if aggrieved by the conduct of any of his superiors towards him, respectfully submit such grievance through his immediate superior officer to the commandant, who will thereupon investigate and redress such grievance, and if need be submit the same for the consideration of Government.

32. The discipline of detachments of the Frontier Armed and Mounted Police at the out-stations or out-posts, shall be under the immediate control of the officer, non-commissioned officer, or private, in charge of such stations or outposts, and any irregularity or misconduct occurring on any such station or outpost shall be immediately reported to the commandant, or the officer commanding troops.

33. Should any non-commissioned officer or private be dismissed from the force, desert, or die, it shall be lawful for the commandant or any officers empowered by him for that purpose to retain the horse, saddle, and equipments, or any of them, to satisfy any public debt he may owe to the force for equipments or advances for rations or forage. And further to cause such horse or equipments, or such part thereof as shall be deemed sufficient, to be sold by public auction for the purpose of liquidating such outstanding claims.

34. In the case of the demise of a member of the force, a statement of his accounts, including inventory of effects, particulars of sale, &c. shall be rendered to the master of the Supreme Court of the Colony within three months of the date of death, and any balance due to the deceased, shall be placed in the hands of that officer for the benefit of deceased's next of kin.

35. No officer, non-commissioned officer, or private of the force can claim his discharge from the service as a matter of right, either with or without pension, until the expiration of his engagement, and if employed on duty or active service when his engagement expires not until such time as such duty or active service shall have been completed.

36. On the discharge of any member of the force, the officer commanding his troop shall ascertain and report his length of service, the cause of his discharge, his claims to pension or reward, his description and character, and shall forward the sale to the commandant. If the discharge be recommended for reason of physical or mental debility, a medical certificate shall accompany the report.

37. Every member of the force, upon being finally discharged, will be furnished with a discharge certificate according to prescribed form, showing the cause and condition of discharge, his character, &c.

38. It shall be in the power of the commandant and of officers commanding troops to make ignominious discharge from the service a part of the punishment inflicted for offences for which defaulters are found guilty, subject to the approval of the Government.

39. Every non-commissioned officer and private unable to perform duty from sickness to be placed under a stoppage of two shillings per diem until declared fit for resuming his duties. A return of a stoppage to be made monthly by the officer commanding each troop, and the amount thereof to be credited to the hospital fund by the paymaster. The control and direction of funds to be in the hands of the commandant, subject to the approval of Government.

40. Officers commanding troops shall further make such stoppages from men unfit for duty as may be absolutely necessary for the due care of their horses. While undergoing treatment in any hospital, civil or military, members of the force shall be subject to conform to the rules of the institution.

41. Any non-commissioned officer or private who shall contravene any of the rules herein-after stated will subject himself, irrespective of the punishment mentioned in any Acts of Parliament relating to the force, to reduction from a higher to a lower grade; to confinement to barracks, camps, stations, or quarters for a period not exceeding one month; to fines or stoppages of pay not exceeding the amount fixed by law; to stoppage of leave, or to extra guards, fatigues, parades, or drill, according to the nature or degree of the offence in accordance with the provisions of Act No. 14 of 1875.

I. Whoever shall strike, illuse, or offer violence to any other member of the force, or anyone who in the execution of his duty may be placed as a guard or sentry over him when under confinement in any guard room or prison.

II. Who may be concerned in any riot or affray.

III. Being concerned in any riot or affray refuse to obey any other member of the force, although of equal or inferior rank, who shall order him under arrest.

IV. Absenting himself from his quarters, station, camp, troop, or detachment without leave from his immediate commanding officer.

V. Using words in action or previous to going into action tending to create alarm or despondency.

VI. Wilfully damaging or spoiling any provision, forage, arms, clothing, ammunition, or other stores belonging to the force or to the Government, or conniving at the same.

VII. Omitting or refusing, through design or culpable neglect, to make any return or report of the state of any troop or detachment or party, or allowing any false statement therein, or knowingly signing any muster roll, pay list, certificate, or return, or duplicate thereof wherein any false statement is made, or being privy to making any false entry, alteration, or erasure in any account book, attestation, record, register, discharge, or other document, or intentionally sending in any false return, report, or statement whatsoever of arms, ammunition, clothing, money, stores, or provisions.

VIII. Forcing any guard, or rescuing or attempting to rescue any prisoner or prisoners already in custody of any guard, picket, or patrol, or being drunk on duty.

IX. Being habitually drunk, *i.e.*, four times in one year, or twice in six months when on duty or on parade, or on the line of march not under arms.

X. Ill-treating, neglecting, disfiguring, injuring, or losing by neglect his own or any other horse, belonging to the force, or losing by neglect or making away with any arms, clothing, accoutrements or necessaries.

XI. Leaving or escaping from arrest before being set at liberty by proper authority.

XII. Falsely imputing improper conduct to superior officers in the force.

XIII. Leaving the ranks without permission.

XIV. Being guilty of fighting or misconduct in the station or in the barracks, camp, or quarters.

XV. Failing to appear at the place of rendezvous appointed by the superior officer, or going from thence without being relieved or without permission.

XVI. Exchanging his arms, clothing, saddlery, or accoutrements without leave.

Return No. 1.

Frontier Armed and Mounted Police.

Rates of Pay per Diem of Officers and Men.

Rank.	1855.	1862.	1873.	1874.
	s. *d.*	*s.* *d.*		
Inspectors - -	15 0	1. 20 0 2. 16 0	16*s.* to 20*s.* by annual increase of 1*s.* per diem.	5*s.* allowance additional.
Sub-Inspectors -	11 0	1. 13 0 2. 11 0	11*s.* to 15*s.* by annual increase of 6*d.* per diem.	
Sergeants - -	5 6	1. 7 0 2. 6 0	1. 9*s.* 2. 8*s.* 3. 7*s.*	Increase of 1*s.* per diem for re-engagement for three years after three years' service. Increase of 6*d.* additional for re-engagement for three years after six years' service. Additional increase of 6*d.* per diem from date of every subsequent re-enrolment for three years.
Corporals - -	5 0	5 9	None.	
Privates - -	1. 4 6 2. 4 3	1. 5 6 2. 5 0 3. 4 6	1. 6*s.* 2. 5*s.* 3. 4*s.* 6*d.*	

Colonial Secretary's Office,
Cape Town, Cape of Good Hope.

9th December 1878.

CAPE OF GOOD HOPE.

RETURN in compliance with a Resolution of the Honourable the House of Assembly, adopted on the 27th of June 1878, for:—"Copies of the conditions of agreement or enlistment entered into by the Colonial Emigration Agents in London with any persons enlisted or engaged as members of the Frontier Armed "and Mounted Police during the years 1877–78; also any agreements made with respect to the payment "of passage money by such persons, and the conditions under which such payments are made."—Printed by order of the House of Assembly.

FRONTIER ARMED AND MOUNTED POLICE.—CAPE OF GOOD HOPE.

Form of Application.

*No.*_____.

The Name of the Party applying.	Age at last Birthday.	Married* or Single.	County where Born.	Day and Year when Born.	State whether Vaccinated, or had the Small-Pox.	Can the Applicant Read and Write? Say "Yes," or "No," opposite name.	
						Read.	Write.

Trade or Calling of Applicant, now engaged in his original calling, state when he ceased to be so employed - -			
Place of Residence -	Street_____	Post Town_____	County.
Names and Address of Referees to respectability of character and fitness for occupation - - (*It will save trouble if Applicant forwards such References with this Paper.*)			
Has Applicant been out before to any Colony, and if so, to which, and in what capacity - -			
Height and weight of Applicant - -			

I do hereby declare that all the above statements are true, and that, if accepted, I shall go to the Colony intending to serve in the Police Force. *And I further declare, that I am of good character, and have neither paid, nor agreed to pay, for the purpose of obtaining a passage, any fee or gratuity whatever, to, or for the use of, the party through whom this Application is made, or any one else.* I also engage to conform to the directions of the appointed Officers, and to such Regulations as may be established for the good government and welfare of all during the Voyage, and I further pledge myself not to leave the Ship until she reaches her destination.

*Signature of Applicant,*_____

Certificate of a Physician or Surgeon.

I certify that I have examined the above-named Applicant,_____, and that_____is not seriously mutilated or deformed in Person, or, in my opinion, afflicted with any disease calculated to shorten life, or to impair physical or mental energy. I certify, also, that _____ has had the small-pox or has been vaccinated, and is entirely free from any disease usually considered infectious or contagious; and that_____is capable of service in the Frontier Armed and Mounted Police, in the Colony of the Cape of Good Hope.

Signature,_____ Residence,_____

It is particularly requested that no one will Sign these Certificates unless convinced of the truth of their statements.

This Form must be sent or brought to T. E. FULLER, Cape Emigration Office, 15, Coleman Street, E.C., or to _____, Agent for_____.

* Unless under peculiar circumstances, such as the wife remaining in England properly provided for, &c., the Applications of Married Men will not be entertained.

ARTICLES OF AGREEMENT made and entered into this day of , 187 , between Thomas E. Fuller, of 15, Coleman Street, in the City of London, acting for and on behalf of, and as the Agent of the Government of the Colony of the Cape of Good Hope, or by , of , on his behalf, herein-after respectively called the "Agent," on behalf of the Government of the Cape of Good Hope, of the one part, and , now living at , of the other part.

The said , for the consideration herein-after mentioned, hereby undertakes and agrees to proceed forthwith to the Colony of the Cape of Good Hope in a vessel to be indicated by the Agent, and that he will upon his arrival there report himself to the Government, and diligently and actively serve the said Government as a member of the Cape Frontier Armed and Mounted Police Force, upon the terms and conditions mentioned and contained in the schedule hereto.

And the said Government hereby undertakes and agrees by their Agent to provide the said with a free passage from to the Colony aforesaid, and to the head-quarters of the said force, with rations during the passage and until his arrival at such head-quarters as aforesaid. And further, to pay, or cause to be paid to the said wages at the rate specified in the schedule hereto, and in all other respects to observe and perform all the conditions on their part mentioned and contained in the said schedule hereto.

In witness whereof the said parties have set their hands at the day and year aforesaid.

THE SCHEDULE ABOVE REFERRED TO.

1. The Frontier Armed and Mounted Police is a force maintained for general service, either within or beyond the borders of the Colony of the Cape of Good Hope.

2. The age must not be under 18 years nor above 30. The maximum height to be 6 ft. 1 in., the minimum 5 ft. 4 in. Weight not to exceed 160 lbs.

3. The period of service is three years from the date of joining the head-quarters of the force.

4. The wages commence at 4*s.* 6*d.* per diem from the day of arriving at head-quarters, and are increased to 5*s.* upon the recruit being mounted and appointed to second class, and to 6*s.* on his obtaining the rank of a first-class private. A stoppage of 2*s.* per diem when a man is on sick list or in hospital.

A horse and an entire outfit is provided from the equipment fund, and a stoppage of 2*l.* per month is made from the pay until the cost thereof, which averages 40*l.*, is repaid. Upon the man's discharge, the horse, accoutrements, and outfit so provided become his own property, and may be disposed of as he deems fit.

6. According to the Cape Act of Parliament the men are bound to supply themselves with rations and other necessaries; but to enable them to procure provisions with greater regularity and cheapness, arrangements are made by which men who desire it are enabled to draw rations daily, the cost of which is deducted from their pay.

7. The men are required to pay for the keep of their horses, but forage is provided as cheaply as possible by officers commanding troops. As the men are paid 5*s.* per diem as soon as mounted, there is no deduction for forage until they receive that sum.

8. Officers and non-commissioned officers of the force are, as a general rule, selected and appointed from its ranks.

9. Losses sustained by the force when on duty and occupied by encounters with the enemy, when duly certified by a board, will be compensated according to the following scale :—

	£
Horse - - - - -	14
Saddle and bridle - - - -	5

These prices to be the maximum.

10. Rewards will be given for extraordinary diligence or exertions, and compensation for length of service, or wounds, or severe injuries received in performance of duty.

11. The members of the force must conform to the rules and regulations established for the discipline and efficiency of the service.

Agent for the Government of the Colony of the Cape of Good Hope.

Witness:

(No. 4/130.)

10, Blomfield Street, London, E.C.,
June 25, 1877.

SIR,

I HAVE the honour to bring to your notice the case of J. Ross, of the police, sailing in the "Caldera" at this date. His friends and himself were very anxious that he should join the force at once, and offered to pay half the passage money. As he passed the medical examiner well, and had fair testimonials, and as I found there was no wrong reason for his wishing to leave, I consented. The result is that he goes out at half cost to Government. This case has suggested the possibility of making part payment of passage money the rule. I do not recommend it at present, but if you think anything of it I shall be glad to consider both sides of the question, make inquiries, and report to you. Were each recruit to pay 7*l.* or 5*l.* towards passage the result would be worth having.

The 9*l.* now received I can carry to the credit of the police account, or to that of aided emigration, as you may direct.

I have, &c.
(Signed) T. B. GLANVILLE.

The Honourable J. C. Molteno,
Colonial Secretary.

C.

(Copy, No. 4/853.)

Colonial Secretary's Office, Cape Town, Cape of Good Hope,
August 28, 1877.

SIR,

YOUR letter of the 25th June last has been received and forwarded for the report of Commandant Bowker.

Your suggestions therein submitted, that payment of the whole or part of passage money should be exacted from future recruits for the Frontier Armed and Mounted Police, has received careful consideration.

It is acquiesced in by Commandant Bowker, and it, *primâ facie*, commends itself to the acceptance of Government.

But, though a great saving would doubtless accrue in the first instance, most important considerations as to the ultimate results of such an arrangement command careful attention. Recruits who would pay their passages would inevitably have to be drawn from a class of people who, for the purpose of colonisation, are useless. They would be poor gentlemen or restless adventurers, without profession, trade, industry, or other qualification for earning their own livelihood. In every other capacity than that of policeman they would be useless, and possibly burdensome to the country.

Experience shows that after, and even before, the expiration of their first term of three years' service, many of them become dissatisfied and clamorous for change, and for discharge from the force. Your knowledge of the Colony will suggest the result both to them and to the country.

Unable or unwilling to work, they become in every sense of the word "loafers"; in some cases drunkards, and even criminals, and when physically and morally broken down they seek to be allowed to rejoin the police force. Nor is the Government at all convinced, Commandant Bowker's recommendation notwithstanding, that men of this class are best suited for the service of the force.

As already said, many of them are discontented and restless.

Possessing a certain amount of education and intelligence, and consequently influence over their comrades, they stimulate dissatisfaction and subordination amongst them.

It is important that recruits sent out for the Frontier Armed and Mounted Police should, to a certain extent, be looked upon as immigrants, and should, as far as possible, be selected with a view to their ultimate absorption in the population of the Colony as useful and respectable members of the community.

And the question arises whether, if your suggestion as to their paying their passages were to be adopted, this most desirable object could be obtained. It would appear to the Government that young lads selected from the labouring classes in the agricultural districts, or from livery and stud stables, possessing the necessary training and qualifications for farm work or domestic service, would, even with free passage, be cheaper in the end, and certainly more profitable to the welfare of the Colony, than adventurers landed here at their own expense.

The Government, however, feels that a hard-and-fast rule on such a subject cannot be laid down.

The foregoing remarks are therefore submitted for your consideration and guidance. A great deal is to be said in favour of the intelligent men you have recently recruited, many of whom have done well, and it were as much a pity if they were altogether excluded, as it would be if the force were entirely recruited from that class. You may therefore find it expedient to select from both classes, and to arrange that, as a condition of their engagement, as many as are able to do so pay the whole or part of their passage money.

The Government places the greatest reliance upon your judgment, and confidently leaves you to exercise your own discretion.

I have, &c.

T.B. Glanville, Esq., Cape Emigration Agent, London. (Signed) CHARLES MILLS.

SIR, King William's Town, August 1877.

I HAVE the honour to return letter from Emigration Agent relative to recruiting in England.

In my report of 25th March 1876, I drew attention of Government to the proposal to discontinue the present system, as I thought a superior class of men could be obtained without incurring the present expense. I should suggest that the men pay their own passage money, and find their own way to head-quarters; there is now a railway from East London. And further, that preference be given in England to men who have the means of paying for their outfit, say 50*l*.

My reason for stating this is that I am told that there is no difficulty in procuring recruits, and that it would ensure good men.

I would also suggest that all men who come out in this way should, provided their conduct warrant it, be put up to first-class men within twelve months of date of enrolment.

I have, &c.

(Signed) J. H. BOWKER,

The Under Colonial Secretary, Cape Town. Commandant Frontier Armed and Mounted Police.

(No. 5/216.) 10, Blomfield Street, London, E.C.,

SIR, September 20, 1877.

I HAVE the honour to acknowledge the receipt of your letter No. 8/82, August 28th, 1877, referring to the question of part payment of passage money by police recruits. Your remarks will receive careful attention, and will guide me in my arrangements. I will defer a more lengthy reply to my return from Dartmouth, whither I am going to-day to inspect the emigrants per "Balmoral Castle."

I have, &c.

The Hon. J. C. Molteno, Colonial Secretary. (Signed) T. B. GLANVILLE.

(No. 5/223.) 10, Blomfield Street, London, E.C.,

SIR, September 27, 1877.

I HAVE duly considered your letter No. 8/82, August 28th, 1877, referring to the Frontier Armed and Mounted Police, the receipt of which I had the honour to acknowledge by the last mail, and your instructions will be carefully carried out.

I regret much that any of the recruits should have merited the description given in your letter. The information you have given me will, however, be important in guiding me in my selection.

I fully comprehend your wishes. You desire that the recruits should be fit for the

work of the force, and, in the event of their leaving the police, that they should be readily able to enter colonial life to the advantage of themselves and the public. You are of opinion that the class of poor gentlemen is, as a rule, not the one from which such recruits may be drawn, and that to make part payment of passage money a hard-and-fast condition would be to give all but a monopoly of the service to that class. You direct my attention to the agricultural class as one from which fair policemen may be drawn, and as likely to give men suitable for colonial work on the expiry of the service term. I beg to say that these views recommend themselves to my judgment.

Some time ago I was instructed to obtain artizans, especially carpenters and blacksmiths. I endeavoured to do so, but found the pay too low to attract men of that class. I find, indeed, that the applicants, of which I have 200 every month, with few exceptions, belong to one or other of the following classes:—

1. The sons of military men (officers), lawyers, and clergymen, mostly without trade or profession, many of them well-behaved and well-recommended, and also in sound health.
2. Candidates for the army who have failed to pass.
3. Officers who have sold out.
4. Clerks, some from merchants' offices, others from banks, and many from the post office.

Unless I go to the rural districts, I am afraid that applicants from any other class will not be attainable.

I am, however, in accordance with instructions received from the Commissioner for Public Works and Lands, now organising a general agricultural emigration. This will take me into the country, and I propose to attach to this department a recruiting agency for the police. My object will be to get enough smart young fellows from farm work to enable me to send out from 12 to 20, within a few months, as an experimental batch for your approval, and that of the Commandant. I will restrict operations to this number until I receive a report from you. The ordinary selection will go on as before, governing myself, however, by the instructions of your letter. If I can get passage payments without detriment to personal fitness I will do so. Begging you to receive the expression of my gratification at your continued confidence,

I have, &c.

The Hon. J. C. Molteno, Colonial Secretary. (Signed) T. B. Glanville.

(No. 8/105.)

Colonial Secretary's Office,

Sir, Cape Town, Cape of Good Hope, October 20th, 1877.

With reference to your letter No. 5/223 of the 27th ultimo, I am directed to inform you that the Government is much gratified to receive the very valuable suggestions made in that communication relative to recruitings for the Frontier Armed and Mounted Police.

I have, &c.

T. B. Glanville, Esq., Emigration Agent, 10, Blomfield Street, London, E.C. (Signed) Charles Mills.

(No. 6/1207.)

Colonial Secretary's Office,

Sir, Cape Town, Cape of Good Hope, October 20th, 1877.

I am directed to transmit herewith for your information copy of Colonial Office letter No. 4/853 of the 28th August, together with a copy of the reply thereto, dated 27th ultimo, from the Emigration Agent, relative to the existing system of recruiting in England for the force under your command.

I have, &c.

The Commandant, Frontier Armed and Mounted Police. (Signed) Charles Mills.

(No. 5/246.)

10, Blomfield Street, London, E.C., November 1st, 1877.

Sir,

I have the honour to report that by the next mail steamer, the "Teuton," sailing from Southampton on the 8th and Plymouth on the 9th of November, I shall send out thirty (30) recruits for the Frontier Armed and Mounted Police, according to the list accompanying this. This is an extra shipment, which I have arranged for in considera-

tion of a possible demand for their services just at this time, hoping that the step will meet with your approval. All the men have duly passed the medical examiner, and are of the average efficiency. Should it be necessary to lessen the usual monthly number of recruits in order to meet the excess which this shipment will occasion, it shall be done on receipt of instructions from you.

It will be found that in the shipment now reported there are four (4) grooms, one (1) farmer, one (1) stonemason's labourer, one (1) telegraphic operator and engineer, one (1) surveyor, and three (3) tradesmen. The others are all of the usual classes now offering.

Should you think it desirable for any purpose that a special effort should now be made to secure young men from the agricultural employments, I could work in Cornwall, Scotland, and the West, where the agency is now engaged in getting agricultural emigrants.

I make this inquiry with reference to a late letter from you directing my attention to the desirableness of securing men able to take part in colonial industries, and because you may, in stationing the police in the Transkeian territories, wish to send such men there as could in time become settlers.

In a recent colonial paper there is a report of a resolution passed at a public meeting in Queen's Town, from which the following is an extract: "This meeting, taking into "consideration the notorious discontent which prevails in the ranks of the Frontier Armed "and Mounted Police, arising, as it believes, out of an inappropriate title, a mistaken "estimate of the career presented to a recruit engaged in England," &c., &c.

As the resolutions passed at this meeting were to be forwarded to the Government, I take the opportunity of saying that in the representations to candidates made by this office care is taken to give a plain account of duties; to make it clear that the work is rough; that promotion, although from the ranks, is by no means a certainty, and that the pay is to cover everything, including outfit, keep of man and horse, and that barrack accommodation is not necessarily supplied as a part of the contract.

Both Mr. Burnet and myself studiously avoid recommending the force by exaggeration, and such is the number and pressure of the applicants, that there is not the slightest need for us to say a word. It is not, of course, our place to disparage a force for which we are the recruiting agents. It is quite possible that many of the young men go out with warm and lively expectations doomed to disappointment; but in no case can this be attributed to anything said in this office.

I beg to send herewith a copy of a little paper always placed in the hands of applicants, from which it may be seen what is really the "estimate of the career" presented by this office to recruits.

Hoping still to deserve your confidence in the management of the police recruiting department of the agency.

I have, &c.

The Hon. the Colonial Secretary, Cape Town. (Signed) T. B. Glanville.

N.B.—Applicants must present themselves for selection at this office on the 10th of the month at 10 a.m. Should this date fall on Sunday, the selection will be made on the day following. Those selected will be required to sail for the Cape the same month. Testimonials to sobriety, steadiness, and activity are indispensable, and must be produced by the applicant at time of selection.

Cape F.A.M. Police.

Particulars and Regulations of the Force for the information of Recruits.

1. The Frontier Armed and Mounted Police is, as its name indicates, a force maintained for general service, either within or beyond the borders of the Colony of the Cape of Good Hope.

2. The age must not be under 18 years nor above 30. The maximum height to be 6 feet 1 inch, the minimum 5 feet 4 inches. Weight not to exceed 160 lbs.

3. The period of service is three years from date of joining the head-quarters of the force.

4. The wages commence at 4*s*. 6*d*. per diem from the day of arriving at head-quarters, and are increased to 5*s*. upon the recruit being mounted and appointed to second class, and to 6*s*. on his obtaining the rank of a first-class private. Every non-commissioned officer and private unable to perform duty from sickness to be placed under a stoppage of 2*s*. per diem until declared fit for resuming his duties. A return of the stoppage to be made monthly by the officer commanding each troop, and the amount thereof to be

credited to the hospital fund by the paymaster. The control and direction of funds to be in the hands of the commandant, subject to the approval of Government.

5. A horse and an entire outfit is provided from the equipment fund, and a stoppage of 2*l.* per month is made from the pay until the cost thereof, which averages 40*l.*, is repaid. Upon the man's discharge, the horse, accoutrements, and outfit so provided become his own property, and may be disposed of as he deems fit.

6. According to the Cape Act of Parliament, the men are bound to supply themselves with rations and other necessaries, but to enable them to procure provisions with greater regularity and cheapness, arrangements are made by which men who desire it are enabled to draw rations daily, the cost of which is deducted from their pay.

7. The men are required to pay for the keep of their horses; but forage is provided as cheaply as possible by officers commanding troops. As the men are paid 5*s.* per diem as soon as mounted, there is no deduction for forage until they receive that sum.

8. Officers and non-commissioned officers of the force are selected and appointed from its ranks.

9. Losses sustained by the force when on duty and occupied by encounters with the enemy, when duly certified by a board, will be compensated according to the following scale:—Horse, 14*l.*; saddle and bridle, 5*l.* These prices to be the maximum.

10. Rewards will be given for extraordinary diligence or exertions, and compensation for length of service, or wounds, or severe injuries received in performance of duty.

11. The members of the force must conform to the rules and regulations established for the discipline and efficiency of the service.

12. Men engaged for the force by the Emigration Agent will be forwarded free of expense to head-quarters, and rations will be supplied until such time as the payment of wages commences.

THOMAS B. GLANVILLE, or
WILLIAM C. BURNET.

10, Blomfield Street, London, E.C.,
June, 1877.

(No. 8/120.)

Colonial Secretary's Office,
Cape Town, Cape of Good Hope, November 27, 1877.

SIR,

I AM directed to acknowledge the receipt of your letter No. 5/246 of the 1st instant, with enclosures, containing remarks relative to the system of recruiting for the frontier police at present conducted by you and Mr. Burnet.

In reply, I am directed to express the very great satisfaction with which the Government continues to regard your efforts to secure proper and suitable material for the above-named force, and I am to add that the temporary suspension of the arrangements under your control has been authorised in view of the number of recruits who have lately been enrolled in the Colony.

I have, &c.
(Signed) CHARLES MILLS.

The Emigration Agent,
10, Blomfield Street, London, E.C.

(No. 5/233.)

10, Blomfield Street, London, E.C.,
May 16, 1878.

SIR,

A STATEMENT has just been made to me by the father of one of the Frontier Armed and Mounted Police recruits who joined the force a few months ago, to the effect that several of the recruits who paid their passage out to the Colony had memorialised the Government to refund the money, and that the Government were expected to accede to the request.

If this statement is accurate, it points of course to the discontinuance of the present practice of accepting similar payments, and in case the Government should have such a step in contemplation, I should be glad to be allowed to point out some considerations in support of the opposite course.

1. Payment of the passage money is not demanded as a condition of admission to the force. It was in the first instance offered by applicants in order to obtain priority of selection, and it is still offered and accepted for this advantage, and for nothing else. It

was no proposition of ours, but was suggested by the applicants themselves. When it is remembered that we have never fewer than 200 applicants per month, it becomes perfectly intelligible that those who can afford it should be not only willing but anxious to pay, in order to avoid the delay which would occur in the ordinary course of selection by rotation, a delay which frequently extended to six months, and which lost so many first-class recruits.

2. So long as we have a sufficient number of applicants who are ready to pay, and who are in all respects equally suitable with those who do not pay, why should the Government forego the advantage of getting the recruits out to the Colony free of the cost of their conveyance? No doubt everything turns on the eligibility of the candidates, and I beg to assure you that this consideration has never ceased to occupy the first place with us in making our selection. It has certainly afforded us satisfaction when we have obtained recruits who have relieved the Colony of the cost of their passage, but our chief object has always been to secure the most suitable men. After an experience of some months of the "paying" arrangements, my impression is, and Mr. Glanville was of the same opinion, that the quality of the recruits selected under it has not deteriorated, but improved. So far from the "loafer" or "poor gentleman" classes being attracted by it, it has rather had the happy effect of ridding us of these most undesirable applicants. On the other hand, it has been the means of securing to us many first-class recruits whom we should have lost had they not by payment been able to obtain immediate entrance into the force.

3. It should be borne in mind that we are, after all, limited practically to two classes from which to draw our supply of recruits, neither of them, it must be admitted, the class which one would prefer to select from if any choice were left; but there is no choice left to us. We had upwards of three years' experience of the work before the idea of payment of passage was suggested, and it is an ascertained fact that the classes which we are all probably agreed in regarding as the most suitable for the Colony are not to be had as recruits for the police. Possibly if some offer of land grants at the conclusion of the three years' service were made to men of the agricultural labourer class they would listen to us. At present they won't. Artizans also turn a deaf ear to us while their wages at home are so very much in excess of the police pay. Besides, these classes are to a great extent employed, and it is to the unemployed classes we have to look; it is in fact those classes alone which apply to us, sons of military men and clergymen, and clerks. If the "paying" arrangement shut out applicants of a more desirable character than these I should be the last to say a word in its defence, but there is not the smallest ground for supposing that it has that effect. It has indeed, so far as our short experience of the plan goes, made no change as to the class of our applicants, and as to its effect upon our selection, I can only say that to the best of my belief not one suitable applicant has failed because he could not pay, nor has any unsuitable man been selected because he was ready to pay. If the unsuitable man has got in, as I fear with all my care he may sometimes do, it has not been his money which has opened the door for him.

4. Seeing that the "paying" arrangement has not made any change in respect of the classes from which our recruits are drawn; that it does not, so far as my experience goes, shut out a more desirable class; that it appears to have had the effect of improving the quality of the recruits, and that it possesses the advantage of relieving the Government of the cost of their conveyance to the Colony, I venture to hope that it will not be discontinued.

To revert for a moment to the statement referred to at the beginning of this letter, may I be permitted to say that the payment in question having been made in order to obtain a certain advantage (priority of selection), and that advantage having been granted in return, no grounds whatever exist for the refunding of the money. On the contrary, those applicants at home whose places were taken by the men who are now asking for the return of their money would have just cause of complaint if the demand were complied with.

Trusting that I may be pardoned for troubling you at such length,

I have, &c.

The Hon. the Colonial Secretary,
Cape Town.

(Signed) Wm. C. Burnet.

(Copy, No. 8/68.)

Colonial Secretary's Office, Cape Town,
Cape of Good Hope, June 18, 1878.

SIR,

I AM directed to acknowledge the receipt of your letter No. 5/233, of the 16th ultimo, submitting remarks on the present system of payment of passage money by recruits for the Frontier Police.

2. In reply I am desired to intimate that the Government fully concurs in your views on the subject, and most cordially approves of the action adopted by you to obtain fit and proper men for the force in question.

3. Nor will the refund of passage money to those recruits who of their own free will and accord paid for their passages in order to secure priority of engagement be under any circumstances allowed.

I have, &c.
(Signed) CHARLES MILLS.

The Emigration Agent, 10, Blomfield Street,
London, E.C.

D.

ACT No. 9 OF 1878.

V. R.

CAPE OF GOOD HOPE.

ANALYSIS.

Preamble.
1. Repeal of Acts 3 of 1855, 21 of 1856, 3 of 1868, and 14 of 1875.
2. Embodiment of men, and purposes thereof.
3. Title of the force.
4. Force to be divided into two wings. Organization thereof.
5. Field and other officers to be appointed by Governor.
6. Governor to make regulations.
7. Duty of officers.
8. Powers and privileges of the force.
9. Offences and penalties.
10. Stoppage of pay in certain instances.
11. Offences not summarily dealt with to be reported and proceedings thereupon.
12. Constitution of board of officers to try offences.
13. Proceedings before such board to be similar to those in criminal cases before magistrates.
14. Summoning of witnesses.
15. Sentences to hard labour to be transmitted to Supreme or Eastern Districts Court, and appeal allowed thereon.
16. Places of imprisonment for officers under this Act.
17. Term of imprisonment not to reckon in term of service.
18. Provisions of Act not to prevent prosecutions under other laws.
19. Power of suspension and dismissal of non-commissioned officers.
20. No tolls payable by riflemen on duty.
21. Penalty for attempting to exact tolls.
22. Penalty for personation of riflemen.
23. Superannuation, pensions, and gratuities.
24. Gratuities to riflemen wounded or injured in execution of duty.
25. Penalty for false statements.
26. Calculation of pensions and gratuities.
27. Pensions and gratuities not to be executable or assignable.
28. No pension, &c. claimable of right.
29. Penalty on dealers in wines and spirits for harbouring riflemen on duty.
30. Penalty for taking pledges, &c. of horses, arms, and accoutrements.
31. No such articles executable nor subject to sequestration.
32. Compensation for extraordinary services.
33. Limitation of actions and prosecutions against riflemen.
34. Ordinance No. 25 of 1847 not to apply.
35. Costs of carrying out Act.
36. Short title.

ACT to organize, establish, and regulate a Force for the better Protection of Life and Property in the Colony, to be called "The Cape Mounted Riflemen." [Assented to 2nd August 1878.]

WHEREAS it is expedient that the present constitution of the force known as the "Frontier Armed and Mounted Police" should be amended and remodelled, and a new force created upon the basis thereof: Be it therefore enacted by the Governor of the Cape of Good Hope, by and with the advice and consent of the Legislative Council and the House of Assembly thereof, as follows: Preamble.

I. The several Acts of Parliament, being respectively No. 3 of 1855, No. 21 of 1856, No. 3 of 1868, No. 2 of 1875, and No. 14 of 1875, are hereby repealed: Provided that such repeal shall not invalidate or affect anything lawfully done under any such Acts, or under any rules or regulations duly framed under the same, previously to the passing of this Act: Provided also that such repeal shall not have the effect of discharging any person enrolled or embodied under the provisions of the said Acts respectively from any service which he may be liable to fulfil under such Acts respectively, or of infringing upon any rights acquired under such Acts as aforesaid. Repeal of Acts 3 of 1855, 21 of 1856, 3 of 1868, and 14 of 1875.

PART I.—CONSTITUTION OF THE FORCE.

II. The Governor, with the advice of the Executive Council, shall cause such a sufficient number of fit and able men as Parliament shall from year to year provide for to be embodied to serve as an armed and mounted force, who shall be sworn before a justice of the peace to act as a police in and throughout the Colony, for preserving the peace and preventing robberies and other crimes, and apprehending offenders against the peace, and also as a military force for the defence of the Colony. Embodiment of men, and purposes thereof.

III. The force so embodied shall be called "The Cape Mounted Riflemen," and the existing force known as the "Frontier Armed and Mounted Police" shall be incorporated with it and merged therein. Title of the force.

IV. The said force shall consist of two divisions or wings, each of which shall be under the command of a competent field officer, to be styled lieutenant-colonel, and other officers, to be styled captain and lieutenant respectively, to be from time to time appointed as herein-after provided, and all such officers shall be under and subject to the orders and command of the Commandant-General of the Forces of this Colony, to whom such field officers shall from time to time as occasion may require, or whenever they shall be called upon so to do by the said Commandant-General, report on the condition of the force under their command, and on all matters of importance connected therewith; and shall consult with and be guided by the advice of the said Commandant-General in respect of the subjects of such reports. Force to be divided into two wings. Organisation thereof.

V. The Governor, with the advice aforesaid, shall by warrant under his hand appoint the field officers in the preceding section mentioned and such other officers as he may deem expedient for the general superintendence and management of the said force, saving all just rights now existing, and may from time to time displace and remove such officers and appoint others in their place as to him shall seem meet: Provided that no officer so appointed shall be promoted to any higher grade than that to which he was first nominated without passing a satisfactory examination in such subjects as the Governor, with the advice aforesaid, shall from time to time settle and appoint, and before such examiners as the Governor, acting as aforesaid, shall from time to time nominate. Field and other officers to be appointed by Governor.

VI. The Governor, acting as aforesaid, shall from time to time make such regulations respecting the training, arms and accoutrements, clothing, and equipment of such force, and respecting all other matters connected therewith as may be required for promoting the discipline and efficiency thereof, and shall also direct the employment and distribution of the said force within or without the Colonial boundary as to him shall seem meet. Governor to make regulations.

VII. It shall be the duty of the field and other officers of the said force to suppress all tumults, riots, affrays, or breaches of the peace in any part of the Colony where they may be on duty, and to assist in the defence of the Colony, and to discharge military duties in connexion therewith when called upon so to do. Duty of officers.

VIII. The members of the aforesaid force so sworn as aforesaid, shall, (except as in the thirty-fourth section is excepted) throughout the Colony have all such powers and Powers and privileges of the force.

privileges, and be liable to all such duties and responsibilities as any police officers or constables may by law have or be liable to, and shall obey all lawful directions touching the execution of their office which they may from time to time receive from their officers.

PART II.—DISCIPLINE.

Offences and penalties.

IX. Any member of the force who may be charged with the offence of contravening any regulation which may be made under and by virtue of this Act, or any of the offences in the schedule hereto, may be tried by and before:—1. Any of the superior courts of law in this Colony within the jurisdiction of which such offence shall have been committed; 2. The court of the resident magistrate of the district in which such offence has been committed; or, 3. A board of officers as herein-after mentioned, and shall upon conviction be liable to be punished as follows:—

1. If the conviction shall be before any of the said superior courts such court may sentence the offender to be imprisoned, with or without hard labour, for a period not exceeding five years, or to pay a fine not exceeding twenty pounds, and in default of payment thereof to be imprisoned, with or without hard labour, for any period not exceeding one year, or to both such fine and such imprisonment.
2. If the conviction shall be before a court of resident magistrate, such court may sentence the offender to pay a fine not exceeding ten pounds, and in default of payment thereof to be imprisoned, with or without hard labour, for any period not exceeding six months, or to be imprisoned as aforesaid without the infliction of any fine, or to both such fine and such imprisonment.
3. If the conviction shall be by a board of officers, such board may sentence the offender as mentioned in the last preceding paragraph.

Stoppage of pay in certain instances.

X. In case any non-commissioned officer or private shall offend against any such regulation as aforesaid, it shall be lawful for any officer commanding a troop, or any officer commanding a detachment of the said force, to stop from the pay of such offender any sum not exceeding one pound, or to sentence him to imprisonment, with or without hard labour, for any period not exceeding 14 days, or to sentence him to such punishment as may be provided on that behalf in any such regulation as aforesaid, or such officer may take proceedings for the purpose of such offender being tried under the ninth section of this Act; provided that such offender shall, if he so request, have a right to have such proceedings taken instead of being tried by such officer; and provided also that any officer who shall try any offender under the provisions of this section shall forthwith after such trial forward the proceedings in, and full particulars of, the case to the field officer commanding the wing in which such offender is serving.

Offences not summarily dealt with to be reported and proceedings thereupon.

XI. Upon any member of the force being charged with having committed any of the offences in this Act mentioned, the charge, in case the offence shall not have been summarily dealt with under the last preceding section, shall be forthwith reported to the officer in command of the troop or detachment to which such offender is then attached, who shall thereupon forthwith report the particulars of the case to the field officer of his wing of the force, who shall, having regard to the said particulars and the nature and magnitude of the offence, direct whether the offender shall be proceeded against before a board of officers as aforesaid, before the court of resident magistrate having jurisdiction in the case, or (as to offences in the ninth section hereof mentioned) before a superior court as aforesaid: Provided that nothing herein contained shall prevent the said officer or the field officer from ordering the discharge of any prisoner in case it appears to him that there are not sufficient grounds for putting such prisoner upon his trial; and if the proceedings are directed to be before a superior court, or before a court of resident magistrate, they shall be the same in all respects as in the case of an ordinary offender or supposed offender against the law, and the said offender shall be in the same plight and condition as any other person charged with criminal offence.

Constitution of board of officers to try offences.

XII. The board of officers herein-before mentioned shall consist of not less than three officers of the said force, of whom the field officer commanding the wing in which the accused is serving may be one; and the said officers shall be selected and summoned by the said field officer. The said field officer, if present, and if not, the senior officer present, shall be the president of such board, and the decision of the majority of the members of such board shall be deemed to be the decision of such board: Provided that, in case the members of the said board shall be equally divided in opinion, the decision of the president shall be deemed to be the decision of the board.

Proceedings before such board to be similar

XIII. The proceedings before and at any trial by a board of officers shall, except otherwise herein mentioned, as near as may be, be the same as those from time to time prescribed as to criminal cases in a court of resident magistrate; and all the evidence

which may be given before such board shall be taken down in writing by the president thereof, by whom also the witnesses shall be duly sworn, and any person so sworn who shall wilfully and corruptly give false evidence before any such board shall be deemed to be guilty of the crime of perjury, and upon conviction thereof, shall suffer any punishment by law provided for that crime. *to those in criminal cases before magistrates.*

XIV. Every person who may be required to give or produce evidence in any case pending before any such board shall be summoned, in writing by any officer of the said force, and all witnesses so duly summoned who shall not attend, or attending shall refuse to be sworn, or being sworn shall refuse to give evidence, or not produce the documents under their power or control required to be produced by them, or to answer all such questions as the said board may legally demand of them, shall be liable to be dealt with by such board in like manner as if such witness had been a witness duly summoned to appear before a resident magistrate in a criminal case pending in the court of such resident magistrate. *Summoning of witnesses.*

XV. When and as often as any such board as aforesaid shall sentence any offender under this Act to be imprisoned, with or without hard labour, for any period exceeding fourteen days, or to pay a fine exceeding one pound, the president of such board shall forthwith, after pronouncing such sentence, transmit the original proceedings in the case, together with such remarks, if any, as he may desire to append, to the Registrar of the Supreme Court, or if the trial has taken place within the jurisdiction of the Eastern Districts Court, to the Registrar of that court; and the provisions of the forty-seventh, forty-eighth, and forty-ninth sections of the Act No. 20 of 1856, intituled, "An Act for "Amending and Consolidating the Laws relative to the Courts of Resident Magistrates," shall, *mutatis mutandis*, extend and apply to such proceedings, as if the same had been proceedings in a case decided by a court of resident magistrate which, under the said forty-seventh section, would have had to be sent for review by a judge of one of the superior courts. *Sentences to hard labour to be transmitted to Supreme or Eastern Districts Court, and appeal allowed thereon.*

XVI. All offenders arrested for any offence under this Act, and all offenders sentenced to imprisonment by an officer or board of officers as aforesaid, may be imprisoned in any building set apart as a guard-room or police prison by order of the field officer commanding; provided that in case the sentence shall exceed fourteen days' imprisonment, with or without hard labour, the person convicted shall be removed to the nearest public gaol, there to undergo such sentence, and when so removed he shall be in the same plight and condition as if the sentence had been a sentence of one of the ordinary courts of law of this Colony; and provided also, that so long as any man shall be imprisoned in any guard-room or prison as aforesaid, the same shall as to such offender be deemed to be a public gaol, and the prisoner shall be deemed to be a prisoner confined therein within the meaning of the Ordinance No. 24 of 1847, intituled "Ordinance for "improving the Gaols of this Colony;" but every board of officers aforesaid and the resident magistrate of the district shall have the like jurisdiction and powers as to offences committed by any such prisoner while imprisoned in any such guard-room or prison as by the Ordinance aforesaid are given to the resident magistrate of the district, as to the public goals within his district. *Places of imprisonment for officers under this Act.*

XVII. No period during which any offender shall be imprisoned for any offence for which he shall be afterwards convicted, or during which he shall be imprisoned under a sentence of any court or board as aforesaid, shall be reckoned for any purpose as part of the period of the service of such offender unless the court or board aforesaid ordering such imprisonment shall otherwise direct. *Term of imprisonment not to reckon in term of service.*

XVIII. Nothing in this Act contained shall prevent any offender from being prosecuted otherwise than under the provisions of this Act in all cases in which he would by law, without this Act, be liable to such prosecution; but no member of the said force acquitted or convicted of any crime or offence under the provisions of this Act, shall be liable to be again tried for the same crime or offence: Provided that nothing herein contained shall prevent a member of the said force who has been acquitted or convicted from being dismissed from the said force or reduced in rank therein. *Provisions of Act not to prevent prosecutions under other laws.*

XIX. It shall be lawful for the said field officers respectively to suspend or dismiss from his employment any non-commissioned officer or private whom he shall think remiss or negligent in the execution of his duty, or otherwise unfit for the same; and when any such non-commissioned officer or private shall be so dismissed, or shall otherwise cease to belong to the said force, all powers and authorities vested in him by virtue of this Act shall cease and determine: Provided, however, that no sentence of dismissal shall take effect unless and until the same be confirmed by the Commandant-General of the Colonial Forces. *Power of suspension and dismissal of non-commissioned officers.*

Part III.—Privileges and Pensions.

No tolls payable by riflemen on duty.

XX. Every officer and man of the said force when in uniform, whose duty it shall be in proceeding to or from any place to pass through any toll-bar, or over any ferry, at or in respect of which the payment of toll shall now be or may hereafter be lawfully demanded, shall be exempted from the payment of any such toll in respect of himself and of any animal and vehicle that may be required for the performance of the duty on which he may be employed.

Penalty for attempting to exact tolls.

XXI. If any person duly authorised to collect tolls in respect of any ferry shall wilfully subject any officer or man of the said force to unreasonable delay or detention in respect to the passage over such ferry, then such person shall be liable on conviction to a penalty not exceeding five pounds.

Penalty for personation of riflemen.

XXII. If any person, not being an officer or man of the said force, shall wilfully personate such officer or man, or if any such officer or man of the force not then being on duty shall falsely represent himself to be such officer or man on duty, with the intent to evade the payment of any toll legally payable by him, such person shall on conviction be liable to a penalty of not exceeding five pounds sterling, or, in default thereof, to imprisonment for a period not exceeding one calendar month unless such fine be sooner paid.

Superannuation, pensions, and gratuities.

XXIII. It shall be lawful for the Governor, with the advice of the Executive Council and under the conditions herein-after mentioned, to order that any member of the said force, of whatever rank, shall be superannuated, and thereupon to authorise and direct that such member shall receive from and out of the public revenue of this Colony a gratuity or yearly pension as follows; that is to say, if such member shall have served in the said force for a period less than fifteen years, a gratuity equal to one month's pay for each year's service, the pay being taken to be that received by such member at the time of his superannuation, and if such member shall have served in the said force for a period of fifteen years, an annual pension equal to fifteen-fiftieths of the yearly pay of such member, which pay shall be taken to be the average of his yearly pay for the three years next preceding his superannuation, and an additional one-fiftieth of such yearly pay for each year such member shall have served in the said force beyond the said period of fifteen years; but no such member shall receive a pension equal to more than thirty-fiftieths of his yearly pay as aforesaid, unless in the cases hereafter mentioned, and provided that no member of the said force who shall be under the age of fifty years shall be capable of receiving any such gratuity or pension, unless it shall be certified in writing by the surgeon of the said force, or some other competent medical officer to be appointed by the Governor acting by and with the advice aforesaid for the purpose, that such member from infirmity of mind or body is incapable of discharging the duties of his situation, and that such infirmity is likely to be a permanent one.

Gratuities to riflemen wounded or injured in execution of duty.

XXIV. In case any member of the said force shall be disabled for the performance of his duty by reason of any wound or injury received by him when in the field and engaged with an enemy, or in the actual execution of his duty, or any member of the said force shall, in the opinion of the Governor, acting by and with the advice aforesaid, have merited the same, it shall be lawful for the Governor, with such advice, to award to such member, whatever may be his age or time of service, such gratuity not exceeding an amount equal to three years' pay, or such yearly pension not exceeding the full pay of such member, as to him may seem fit: Provided that the reasons for giving any such gratuity or pension shall be set forth in the warrant or authority granting the same; and a return showing the amounts and particulars of any payments under this section shall be laid on the table of both Houses of Parliament at the then next ensuing session of Parliament.

Penalty for false statements.

XXV. If any member of the said force in receipt of a pension under this Act shall wilfully or knowingly have made or caused to be made any false statement or representation in order to obtain such pension, he shall forfeit all right and claim to such pension, and no pension shall be claimable by any pensioner during the time he may be undergoing punishment for any crime.

Calculation of pensions and gratuities.

XXVI. In calculating the amount of any gratuity or pension payable under this Act, if the person to receive the same shall at the time of his superannuation have been obliged to keep a horse or horses out of his pay, the sum of twenty pounds for the keep of each such horse shall be deducted from such pay.

Pensions and gratuities not to be executable or assignable.

XXVII. No pension payable under this Act shall be assignable or transferable, nor shall the same be attached, arrested, or levied upon for or in respect of any debt or claim due by the recipient thereof, or his wife.

XXVIII. Nothing in this Act contained shall be construed so as to entitle any member of the said force to claim as a matter of right any gratuity or pension as aforesaid, or to prevent any such person from being unconditionally dismissed or discharged from the said force. No pension, &c. claimable of right.

Part IV.—General.

XXIX. If any licensed or unlicensed dealer in wines and spirits, or any intoxicating liquors, shall knowingly harbour or entertain any man belonging to the said force, or permit such man to abide or remain in his house, shop, room, or other place, during any part of the time appointed for his being on duty elsewhere, every such dealer shall, for a first offence, forfeit and pay any sum not exceeding ten pounds, to be recovered in a summary way; and for a second or subsequent offence shall be liable, besides such penalty, to imprisonment for any period not exceeding one month, with or without hard labour. Penalty on dealers in wines and spirits for harbouring riflemen on duty.

XXX. If any person shall, in consequence of any sale, pledge, or other disposition made by any member of the said force, in contravention of paragraph No. 17 of the schedule to this Act, knowingly receive or have any animal, article, matter, or thing in the said section mentioned, such person shall incur and be liable to a fine not exceeding twenty pounds, and in default of payment thereof, shall be liable to be imprisoned and kept at hard labour for any period not exceeding three months, unless such fine be sooner paid. Penalty for taking pledges, &c. of horses, arms, and accoutrements.

XXXI. No animal, article, matter, or thing mentioned in paragraph seventeen in the schedule to this Act, and therein forbidden to be sold, pledged, or otherwise disposed of, shall be capable of being seized or attached by or under any writ of execution which may be sued out against any member of the said force, nor shall the same pass by or under any order made for the sequestration of the estate of any such member. No such articles executable nor subject to sequestration.

XXXII. It shall be lawful for the Governor acting by and with the advice aforesaid to award, to any of the men belonging to the said force such sum of money as to him shall seem meet, as a reward for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries received in the performance of their duty, or as an allowance to such of them as shall be disabled by bodily injury received, or shall be worn out by length of service. Compensation for extraordinary services.

XXXIII. For the protection of persons acting in the execution of this Act, all actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within four calendar months after the cause of action shall have arisen, or offence be committed, and not otherwise; and notice in writing of such action and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and if a verdict shall be given for the defendant or the plaintiff be non-suited, or discontinue any such action after issue joined, or if, upon exception, or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client. Limitation of actions and prosecutions against riflemen.

XXXIV. Nothing contained in the Ordinance No. 25, 1847, entitled "Ordinance for "improving the Police of the Colony," shall extend to the force aforesaid in this Act mentioned. Ordinance No. 25 of 1847 not to apply.

XXXV. All costs and charges for carrying out this Act shall be paid out of such moneys as Parliament shall provide for the purpose. Costs of carrying out Act.

XXXVI. This Act may be cited for all purposes as the "Cape Mounted Riflemen Act, 1878." Short title.

Schedule of Offences referred to in this Act.

1. Beginning, inciting, causing, or joining in any mutiny or sedition.
2. Being present at any mutiny or sedition, and not using his utmost endeavour to suppress the same.
3. Conspiring with any other person to cause a mutiny or sedition.
4. Knowing of any mutiny or sedition, and not without delay giving information thereof to his immediate commanding officer.
5. Striking or offering violence, or using threatening or insubordinate language to a superior officer in the force, being in the execution of his duty.
6. Disobeying the lawful command of a superior officer in the force.
7. During the period for which he shall have engaged to serve in the said force deserting from the same or refusing to serve therein, or advising or persuading any other member of the said force to desert from the same, or knowingly receiving and

entertaining any deserter, and not immediately on discovery giving information to his commanding officer, or taking other means to cause such deserter to be apprehended.

8. Misbehaving before the enemy or shamefully abandoning or delivering up any fort, post, camp, station, or guard committed to his charge, or which it was his duty to defend, or inciting any other person so to do.

9. Discharging any firearms, making any signal, or by other means whatsoever, intentionally occasioning false alarm in action, camp, or quarters.

10. Casting away his arms in the presence of an enemy.

11. Being, while a sentinel, found sleeping on his post, or leaving the same before being regularly relieved.

12. Disclosing, verbally or in writing, the numbers, position, or preparations of the force or forces to which he is attached, and by such disclosure producing effects injurious to the service to which he belongs.

13. Being in the command of a guard, piquet, or patrol, and without proper authority releasing any prisoner committed to his charge, or suffering him to escape.

14. Being found drunk on any duty under arms.

15. Malingering, feigning, or producing disease or infirmity, or wilfully maiming or injuring himself or any other member of the force, whether at the instance of such other member or not, or causing himself to be maimed or injured by any other person, with intent thereby to render himself or such other member unfit for service.

16. Taking any bribe or gratuity whatever with reference to any duty imposed upon him, or wilfully neglecting to execute any warrant entrusted to him.

17. Selling, pledging, or otherwise disposing of any horse, saddle, bridle, gun, clothing, ammunition, or other article or equipment which by the regulations of the said force for the time being he shall be required to keep and possess.

GOVERNMENT NOTICE, No. 785, 1878.

Colonial Secretary's Office, Cape of Good Hope,
September 12, 1878.

HIS Excellency the Governor, with the advice of the Executive Council, has been pleased to direct that the subjoined Rules and Regulations* for the Frontier Armed and Mounted Police, framed in accordance with Act No. 3 of 1855 and Act No. 14 of 1875, shall, for the present, be taken to be the Regulations under Section VI. of Act No. 9 of 1878, entitled the "Cape Mounted Riflemen Act, 1878."

(Signed) J. GORDON SPRIGG,
Colonial Secretary.

No. 40.

The RIGHT HON. SIR MICHAEL HICKS BEACH, BART., to GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I.

SIR, Downing Street, January 4, 1879.

I HAVE the honour to acknowledge the receipt of your Despatch of the 25th of November,† forwarding copy of Despatches and enclosures received by Colonel Lanyon from Colonel Warren, describing his recent operations.

I have already, in my Despatch of the 13th of November,‡ expressed my high sense of the ability and courage with which Colonel Lanyon and Colonel Warren have carried out the difficult operations in which they have been engaged; and in conveying to you my congratulations on the termination, as I trust, of hostilities in Griqualand West, I am glad to express my appreciation of the services rendered by those officers serving under Colonel Warren whose names you now bring specially to my notice, and to repeat my own high opinion of the value of the services rendered by Colonel Warren himself in the recent as in the former operations undertaken by him, and of the able assistance which he has given to Colonel Lanyon.

I have, &c.

Governor Sir Bartle Frere, Bart. &c. &c. &c.

(Signed) M. E. HICKS BEACH.

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* These Regulations are not printed, being the same as on p. 150.

† No. 29.

‡ No. 112 of C 2220 of Dec. 1878.

No. 41.

COLONIAL OFFICE TO WAR OFFICE.

SIR, Downing Street, January 4, 1879.

I AM directed by the Secretary of State for the Colonies to transmit to you a copy of a Despatch from Sir Bartle Frere,* forwarding copy of Despatches and enclosures received from Colonel Lanyon relating to recent operations in Griqualand West, and calling attention to the valuable services rendered by Colonel Warren, R.E., and the officers serving under his command.

I am to request that the printed enclosures which are sent in original may be returned.

I am, &c.
(Signed) R. H. MEADE.

The Under Secretary of State,
War Office.

No. 42.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Jan. 10, 1879.)

High Commissioner's Office, Maritzburg, Natal,
SIR, December 7, 1878.

IN continuation of the correspondence regarding terms to be demanded from Cetywayo as a sequel to the delivery of the award regarding the disputed boundary, I have the honour to state that soon after my arrival here I laid before his Excellency the Lieutenant-Governor a list of some of the points which I thought ought to be noticed in any communication which could be regarded as likely to lead to an ultimatum.

2. I have now the honour to forward in original a Memorandum by his Excellency the Lieutenant-Governor on the subject of my note, together with a short Memorandum of the opinions I expressed thereon in subsequently discussing with his Excellency the terms of the last communication which his Excellency has made at my request to Cetywayo.

It will be observed that the subjects discussed embrace only a portion of our case against the Zulu ruler.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State
for the Colonies,
&c. &c. &c.

Enclosure 1. in No. 42.

MEMORANDUM.

I. *Promises at Coronation on behalf of Zulus as well as Europeans which have not been observed.*

I assume that it is held there was a sufficient representation of the British Government, through the Natal Government, at the installation of the present Zulu King in 1873 to establish a responsibility for what may, by declaration or by inference, have been said and undertaken on that occasion.

I am obliged to assume this, because on an examination, with reference to that point, of the papers relating to the proceedings, I am struck by the defectiveness, as it appears to me, of the proof of such a position having been sufficiently declared, accepted, and sustained, and one is left uncertain as to whether any responsibility was assumed or was intended to be assumed by the Government of Natal. There is, indeed, in the proceedings quite sufficient matter upon which it could be affirmed that there was an adequate representation that a certain responsibility was undertaken for what was then said and done, and that there is, therefore, a consequent right of interference on our part whenever we may think it advisable or necessary; whilst on the other hand, by reason of the incompleteness of the transaction and the inconclusiveness, as it appears, of its character, any consequent responsibility or obligation on our part could equally be denied.

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* No. 29.

The transaction will no doubt admit of the adoption of either of these two courses. But if we assume that there was an intention on our part to take upon ourselves certain obligations, or that we did, *ipso facto*, with or without intention, incur certain obligations, and that these obligations still rest upon us, we must consider what precisely are the obligations which we undertook, and in what respects they may now require action on our part.

Mr. (now Sir T.) Shepstone, who was then Secretary for Native Affairs in Natal, attended the installation, and at the ceremony, acting apparently on the request made by Cetywayo and other Zulu chief men to the Government of Natal when they first announced the death of Panda, proclaimed certain laws or rules regarding the future government and administration of justice in the Zulu country. It was formally proclaimed by Mr. Shepstone, in the presence of Cetywayo and of a large number of the Zulu rulers and counsellors and other people, on the occasion of the installation, that the indiscriminate shedding of blood should cease in the land; that no Zulu should be condemned without open trial; that no Zulu's life should be taken without the previous knowledge and consent of the King and after trial; that every Zulu when condemned should have the right of appeal to the King; and that for minor crimes the punishment of death should be replaced by the lesser punishment of the confiscation of property.

These laws, or rules, or precepts, by whatever name they may be called, were, it is plain, made and declared entirely and exclusively for the good and on behalf of the Zulu people; and to whatever extent, however much or however little, Cetywayo may have considered that he was being bound by them, and there is reason to believe that he was only playing a part and making use of the Natal Government for his own purposes, there is no dispute that they were proclaimed openly without contradiction or question by him or on his behalf, and they were no doubt accepted by a large portion of the Zulu nation, both by such people as were present and by many to whom they were afterwards reported, as establishing a new and better order of government and rule in Zululand, whereby the Zulu people of all classes would henceforth obtain a greater security of life than had ever hitherto been the case. It may further be said that, whether the Government of Natal at that time fully realised and intended what it was undertaking or not, whether it considered that the proclamation then made entailed obligations on it or not, it did, in the eyes of the Zulu people, give its countenance to those promises, and bound itself by every moral obligation to take care, so far as in it lay, that those promises should be kept.

Whatever may have been the views of Cetywayo at the time, it is quite certain that he has not observed the laws or rules then proclaimed and the promises then made to the Zulu nation and expressedly or tacitly accepted by him. He has neither observed them himself, nor has he caused them to be observed. The indiscriminate shedding of blood, and the putting to death of persons without trial, have continued in Zululand as if there had been no proclamation, and no promises, and no obligations incurred at the installation. This is simple matter of fact, and it is, I believe, beyond all question or possibility of denial on his part. If, then, we hold that there is any obligation resting upon us on account of the promises, expressed or implied, made by or on behalf of the King on the occasion of his installation, and on account of the proclamation made by a British officer openly before the Zulu people, we are brought face to face with the fact that the King has not kept nor caused to be kept those promises, and that, by not doing so, he has compromised the honour and good faith of the Government which took part in his installation; and the question presents itself as to what we are to do under the circumstances, and what course we ought to take in order to secure in future the observance of promises for which we have, wisely or unwisely, intentionally or unintentionally, made ourselves responsible.

There are, so far as I can see, only two modes by which we can effectually secure the object we have in view:—namely, either by the deposition of the present Zulu King for his breach of the promises and engagements which he either actually or virtually entered into with us at the time of his installation; or by obtaining, which we have never hitherto done, some guarantee for the due observance of the promises in the future.

If a British official resident in Zululand had been appointed at the time of the installation, such an appointment, there is every reason to believe, would not only have been made without difficulty, but would have been welcomed and supported by the whole Zulu nation; and it would certainly have given us a greater hold over the King and over the country than we now possess. To establish such an appointment now would be attended with far more difficulty; and, besides, it would scarcely have the same effect that it would have had if made five years ago; nor as a measure of control would it, of itself, meet the necessities of the present situation.

The system of government in the Zulu country is so bad, and the disposition of the present King is so adverse to a better order of things, that any improvement under his rule seems almost hopeless. We should, I think, if we found it necessary, be justified in deposing him and in placing in his stead another ruler, accompanied by such guarantees for the establishment of a more satisfactory government in Zululand as we might consider absolutely necessary. But in any case it would be well to proceed with caution, and I am disposed to think, if we intend to take up the question of the promises at the installation, that the first and most proper step to take at this moment would be to call the King to an account before the nation for his failure to keep the promises made on the occasion of his installation regarding the indiscriminate shedding of blood and the taking of life without trial. He might be reminded of those promises, of the manner in which they had been broken, of the injury done to his people, and of the reproach which the disregard of the promises had become to the Government whose assistance he had invoked and under whose auspices he had been installed. The necessity of the immediate introduction of a better system of government might be urged upon him; and he should be called upon to consult the nation, and say in what way he would propose to bring about a change which would provide for the better government of the nation and an amelioration in the condition of the people. In such a message there would be no decision laid down as to what should be done; but it is a question if it is well to give any decision amounting to an ultimatum at once, and without previous communications on the subject. The message would be a preliminary step towards a decision, and it is, I think, a preliminary step which it is advisable to take, because it is of importance that the Zulu nation should know what is the question at issue between us and the Zulu King, and should have time to understand and comprehend that the question is one which concerns their interests and their welfare, and a question which is being taken up by us on their behalf. At this moment, so far as the Zulu nation knows the principal question at issue is the boundary question; and, if we were to say now, at once, and without giving time for the matter to be thoroughly understood, that we had decided upon such and such a punishment for the King, or upon such a course, there would be a great risk of the question at issue between us being misunderstood by the people at large. It is desirable, I think, that it should first be made known throughout Zululand as far and as fully a possible, and that it should be understood by the people that the question of the disputed boundary has been settled, and that what was held to be Zulu country has been given to the Zulus; and then it can be made known that there is another question between us, but that it is a question which is rather between us and the King than between us and the nation, and that it is one in which we have taken up the cause of the people; and if the people be got thoroughly to understand this, it will probably make the solution of the Zulu question far easier than it otherwise will be.

II.—*Expulsion of Missionaries and Traders.*

There has not been, I believe, any actual expulsion of missionaries from Zululand by the Zulu King. It is rather the hopelessness of missionary work under his rule, combined, no doubt, in some cases with apprehensions of possible personal danger, that has been the cause of the missionaries leaving the country.

It does not appear from the Report of Sir T. Shepstone at the time of the installation that much was obtained for the Christian missions in Zululand on that occasion. The new King made no promises regarding them. He openly said that he saw no good in missionary teaching, though he admitted that the missionaries were good men. Their doctrines might be applicable to white men, but not to black man. "A Christian Zulu was," he said, "a Zulu spoiled," and he would be glad if all missionaries left the country. Though they committed no actual wrong, they did, he said, no good, and the tendency of their teaching was mischievous. He apparently made no promises at all regarding them, but the result of the conversations Sir T. Shepstone had with him on the subject was an understanding that those missionaries who were already in the country should not be interfered with, and that if any of them committed an offence for which it might be considered he was deserving of expulsion, the case should be submitted to the Government of Natal and its assent received before the carrying out of the sentence.

"I did not consider it wise," says Sir T. Shepstone, "to attempt to make any arrange-
" ments in favour of native converts. The position of the missionaries and all concerned
" is so anomalous that sooner or later a compromise will relieve the difficulty, or mission
" operations will have to be given up."

Now this was written in 1873, and what was said then was said on an occasion which was, it may be supposed, most favourable for obtaining from the Zulu King any con-

cession. But no concession was either obtained or sought from him, and it cannot in justice be said that he has broken any promise on this score. He made no promise regarding the native converts, and none was asked of him. Some sort of a promise he gave regarding the existing missionaries, and he has not gone back from what he said. He has not expelled, as far as I know, any missionary, and some are still in the country. Indirectly, indeed, what he has done has led to the missionaries leaving the country. They have left because there was no prospect of doing any good work in the country; but this contingency must have been, and evidently was, foreseen at the time. One cause which influenced the missionaries in their determination to leave was the murder of certain native converts or natives living on mission stations. On these cases I reported in my Despatches to the Secretary of State at the time.

I observed in your Excellency's Despatch to the Secretary of State of the 30th September last, No. 250, of which you were good enough to give me a copy, that at an interview the Rev. Messrs. Oftebro and Staven had with your Excellency at Durban they gave you to understand that Cetywayo began to rule in a frame of mind rather favourable to the teaching of missionaries, and that only lately the light has dawned upon him that their teaching was fatal to his power; that as his power grew so did his wish to get rid of the missionaries gather force and distinctness; and that latterly he has given expression to his desire by killing Zulu converts, at first rarely and as with reluctance and a desire to conceal what he had ordered, but latterly more frequently and openly.

Now, with regard to the statement that Cetywayo began to rule in a frame of mind rather favourable than otherwise to missionary teaching, we have only, I think, to look at the Report of Sir T. Shepstone regarding the frame of the King's mind on this subject at the time of his installation to find that it was really altogether opposite to what it is thus described by these missionaries. The King began his rule unfavourably disposed to missionary teaching, and before he began his rule he openly declared himself against their teaching as being mischievous, in his opinion, to the Zulus. Messrs. Oftebro and Staven, therefore, were mistaken as to the real facts of the case, and I am also much surprised at what they said regarding the killing of Zulu converts, namely, that this was at first done rarely, but that latterly it has been done more frequently and openly. I can only say that if this has been the case all the information I have received on the subject has been erroneous. As far as I have learned, the first occasion of the killing of Zulu converts, or natives living on mission stations, since Cetywayo became King, was in the early part of last year, 1877, and when representations reached me regarding this, on account of the uncertainty of the information as to the number of mission natives who had been killed, I took some pains to find out how the case really stood, and ascertained that the number of natives, either converts or living on mission stations, who had been killed was three. There had been, it was reported, designs upon others, and the property of one or two, I believe, was taken; but so far as the actual taking of life or injury to the person was concerned, the number of mission natives killed was three. I have never heard since that time of any other mission natives being killed. It is possible there may have been others, but no information has reached me or this Government that such has been the case, and I was, therefore, surprised, on reading your Excellency's Despatch to see what Messrs. Oftebro and Staven had said. I have since made particular inquiries on that point, but have failed to obtain any information showing that more than the three mission natives have been killed. Among others to whom I have spoken is the Rev. Mr. Robertson of Zululand, who was in Maritzburg a few weeks ago. He told me that he had not heard of any other than the three cases.

Now the number of three does not bear out the statement made regarding the killing of native converts, namely, that it was at first rare and then afterwards more frequent. The murder of the three mission natives is without excuse, but it ought not to be left to be understood that many more have been killed if such has not been the case.

The killing of these three mission Kafirs had, no doubt, a great deal to do with the departure of the missionaries from the Zulu country. They themselves might be safe in their own persons, but there was no security for the natives living on the stations, and with such a state of things the work of the missions became a hopeless and useless task. The King certainly in 1873 made no promise regarding the native converts, and it was not thought prudent apparently even to make the attempt of obtaining any promise from him on that account. He cannot, therefore, be held to have broken any promise regarding the mission natives. He is as responsible, but no more, for the killing of the three mission natives as he is for the killing of the hundreds and thousands of Zulus, not mission natives, who have been killed without trial in Zululand since 1873. He might, however, be called upon to give a guarantee for the security of life and property on all mission stations, provision being made that all mission natives should be subject to some

law, and should be punishable, after due trial, for offences committed by them. At the same time I am bound to say that such provision would very partially and imperfectly carry out the obligations we undertook in 1873, because we are equally bound by those obligations, if we admit them, to secure for the whole Zulu people a fair trial.

III.—*Demand by Cetywayo of right to close all customary Roads through Zululand with one exception.*

With regard to the roads in Zululand, there are but few of them, and the proposal of the King to close them with one exception may either have been due to the altered state of our relations with him, or to the fear of cattle sickness being introduced. The latter is frequently a real cause of apprehension, the disease being introduced by the trek or waggon cattle coming from other countries, but in the present case the proposal was prompted, no doubt, by the desire to shut people out of his country as much as possible. The only public customary roads into Zululand from Natal are the road by the Lower Tugela Drift or drifts and the road by Rorke's Drift. So long as these are not closed we in Natal have nothing to complain of.

IV.—*Violation of British Territory by the seizure of two refugee Women, subsequently carried into Zululand and there supposed to have been murdered.*

This has been a most serious offence, and it is of unquestionable importance that due reparation should be asked and made for it.

As I have said elsewhere, I do not hold the King responsible for the commission of the act, because there is nothing to show that it had his previous concurrence or even cognizance; but he becomes responsible for the act after its commission, and for such reparation as we may consider is due for it. The request made by me of him was that certain persons, sons or relatives of the Chief Sirayo, who were the leaders in this act of outrage in British territory, should be sent in to this Government to be tried by the laws of the Colony for their offence. The King has not sent in these men as yet. He has shown an unwillingness to send them in, but he has said that he will refer the matter to the Council of the nation. He sent in a sum of 50*l.* by way, I presume, of a compensation. The money was, of course, returned to him, or rather it was not accepted from his messengers who brought it. The offer was an indication of his own personal views as to the amount of reparation to be made. The views of the nation we are not yet in possession of. There are only two ways by which, so far as I can see, due reparation for this offence can be made, namely, either by the surrender of those who committed the outrage or the ring-leaders, which secures the *personal* punishment of the offenders, or else by the payment of a fine by the King and nation so heavy as to be a punishment on the *nation*, and a sufficient guarantee and security against the commission of similar offences in future. I should, myself, be disposed to accept either, because either will, I think, meet the object we have in view; and, if the nation elects that the punishment shall fall upon itself instead of upon the persons of the individual offenders, it may be said that it has a right so to elect, but the penalty should be made a heavy one. It should not be less than a fine of five thousand (5,000) cattle. If, however, it is considered that a request once having been made for the surrender of the men ought to be adhered to, then that course must be persevered in; though I think we should deal with the matter as strictly as possible from the stand-point of the object we have in view, which is the sufficient punishment, either of the individuals or of the nation to the prevention of similar offences in future.

V.—*Violence to Mr. Smith, Surveyor, Engineer's Department.*

I think the visit paid by Mr. Smith with his companion to the Middle Drift, for the purpose of inspecting the drift, was a step much to be regretted and condemned. The Zulus have always looked upon the new road which was lately made to that drift with very great mistrust of its object. They have suspected, quite wrongly, that we had some design against them in making it, and they have objected to the use of the drift for waggon purposes, and in point of fact it has never been used for these purposes. The time chosen by those who sent Mr. Smith to inspect the drift was a time when the Zulu mind was greatly excited, and not altogether without cause, by the reports which reached them that a great number of troops had arrived in Natal, that these troops had come with the intention of invading Zululand, and that such was the talk everywhere in Natal both on the part of soldiers and Colonists. In consequence of a large gathering which took

place in Zululand, and which no doubt originated in the uneasiness created by the reports from Natal, it became necessary to send troops to Greytown. This town lies in the direction of the Middle Drift, and the movement confirmed the fears of the Zulus. Moreover, one or two officers, it was known, had been down to that unused drift, to inspect it and other drifts leading into the Zulu country. It was at this moment that Mr. Smith was sent, without my orders or sanction, to inspect both the roads and the drift for military purposes. The Zulu people living on the other side could only look on the act from one point of view. What took place on that occasion is described by Mr. Smith. He says that the river bed is very wide, and is formed by a number of sandbanks fringed with bush and channels running between. On account of the drought all the channels were dry with the exception of one which lay close into the Zulu side. Mr. Smith walked across the river bed until he came to this channel, making his observations and taking notes of what work would be necessary to make the drift passable for waggons. He did not cross the last channel nor did he cross any water at all, because the channels that he crossed were dry. As he was making his observations a number of Zulus came down; they were very excited, surrounded him and his companion, caught hold of him and made him sit down, and asked him what he was doing there on Zulu ground. They gradually became more quiet, and, after detaining Mr. Smith and his companion for an hour and an half or two hours, they let them go. They made no attempt, says Mr. Smith, to take anything forcibly from him, though in a pilfering manner they helped themselves to some small articles of little value (a box of matches, some tobacco, and a pocket-handkerchief) from his pocket. One of them asked Mr. Smith also to give him a pipe, which he did. Mr. Smith and his companion appear to have behaved with calmness and temper on the occasion. I am bound to say that I think the proceeding was, under the circumstances, a very injudicious one, and almost amounted to a culpable provocation on our part which must in some degree extenuate the offence of the Zulus. At the same time the latter had, of course, no right to act as they did, and an apology for the act together with a small fine to mark the offence may very properly be demanded.

VI.—*Threats to the Lüneberg Farmers.*

Every question connected with the country beyond the Pongolo will be provided for by that part of the award which will prohibit Zulu interference on that side of the river, whilst giving the Zulu King an opportunity, if he has any question to submit, for submitting it to the British Government. The movement of some troops to Lüneberg by Colonel Wood deals practically with any warning or threats which the Zulu King may have given to the Lüneberg farmers. If, after the award, the Zulu King takes any action in the shape of force or threats on the north side of the Pongolo, without reference to the British Government, then the action can only be regardad as a hostile action, and can only be treated as war.

VII.—*Forcible expulsion of Settlers on disputed Territory.*

This refers to the threats and action of the Zulus in the disputed territory towards the close of last year which led to some of the settlers in that territory leaving their farms and homesteads. It was this action on the Zulu King's part that nearly led to a collision. The Zulus have long looked upon themselves as aggrieved and injured with respect to this piece of territory; and it may be said that, as a war on account of the territory was for many years only averted by the counsels of the Natal Government, so also during the past twelve months it was mainly averted by the holding of the inquiry by the Boundary Commission at Rorke's Drift. Some allowance for the Zulus must under all the circumstances of the case, I think, be made. But the King ought not to have taken or attempted to take the law into his own hands, even assuming the Zulu claim to be a good one; and he may fairly be called upon to make some compensation for the indvidual losses and damage occasioned by Zulu acts in the disputed territory in November last and in the subsequent months. To avoid an uncertainty, it will be well to name a fixed sum, and I would suggest a fine of five hundred (500) cattle.

(Signed) HENRY BULWER.

November 18, 1878.

Enclosure 2. in No. 42.

NOTE on His Excellency Sir HENRY BULWER's Memorandum of November 1878 on Note of the High Commissioner regarding Terms of a final Communication to be made to the Zulu King, dated October 14, 1878.

I.—Promises at Coronation on behalf of Zulus as well as Europeans which have not been observed.

I think there can be no reasonable doubt whatever that Sir Theophilus Shepstone represented the British Government, through that of Natal, at Cetywayo's installation in 1873.

Unless this were so, the whole of that proceeding is utterly meaningless, and our share in it unintelligible. I cannot for a moment suppose that all the many officers of the British Government concerned in and sanctioning it, including, it may be remarked, the whole of the then existing Government of Natal, took part, directly or indirectly, in what, upon any other supposition, would have been a solemn farce, such as could not have been passed over without the severest notice and disavowal by Her Majesty's Government.

With this proviso, I concur in his Excellency's remarks as to the course to be followed in enforcing the better observance of Cetywayo's promises.

II.—Expulsion of Missionaries and Traders.

I have no doubt that what the Norwegian missionaries and others stated to me regarding Cetywayo having "begun to rule in a frame of mind rather favourable to the "teaching of missionaries," referred to the commencement of his rule, as quasi co-regent with his father, ten or twelve years before his coronation.

So read, the missionaries' assertion is quite in accordance with all I have since learnt. I am assured, on authority I cannot doubt, that Cetywayo began to learn English from the missionaries, and got as far as spelling words of one syllable, when he gave it up with expressions of personal regret, because, as he told the missionaries, "people said it was "not becoming for him, a great Zulu warrior Chief, to learn lessons like a common "person."

I can see therefore no inconsistency between what the missionaries stated to me and what Sir Theophilus Shepstone says in his report on the coronation. There appears no doubt that the missionaries were protected and encouraged in many ways up to the end of Panda's reign, though Cetywayo may possibly have evinced his dislike to their teaching before his father's death.

As regards the number of converts actually killed, even supposing it was as his Excellency thinks only three, I consider that number quite sufficient to justify the missionaries' statement to me, that they had been terrified out of the country.

His Excellency has, I think, been misinformed as some missionaries being still in Zululand. I can hear of none being left there, except Bishop Schrœder, who occasionally visits his Station Trans Ingela.

Nor, except as to the form of redress to be demanded, does it seem to me to signify much whether the missioniaries were formally expelled, or terrified into leaving by a course of barbarities which impressed them with reasonable fears for the lives of their converts.

I have since made further inquiry, and have no doubt that though his Excellency may possibly be right as to the number regarding which there is judicial evidence, the missionaries had every reason to believe that the number slain on account of their inclination to Christianity was considerably greater than three. One gentleman, who had better means of obtaining the truth than anyone else, told me he had no doubt the number of converts killed was considerable, though many of them were killed ostensibly for other causes than their inclination to Christianity.

He said that it was next to impossible for even a Zulu to ascertain the exact numbers of persons so killed by the King's order. The order to kill, especially at first, was often indirect, a hint well understood by the messengers conveying it, or the person to whom it was sent; and when acted on, never punished, though sometimes the King would speak on hearing of it as though he had given no such order.

The "impis" or armed bodies of executioners from the King generally came at night without warning, slew the doomed man, carrying off his cattle and often his wives and children, if indeed the lives of the latter were spared, for in many cases of Zulu "eating up" every human being in the kraal of the accused was put to death.

After the vultures and wild beasts had devoured the slain it was difficult to tell whether the man was murdered or had got warning and escaped to Natal. It was only known that he had disappeared and sometimes that an "impi" had been met carrying his cattle, and perhaps the survivors of the family, to some other kraal.

Sometimes the soldiers in the impi or the survivors of the family would give to friends when they met them some indication of where the "impi" had been, who they had killed, and what else they had done; but it was never safe to talk about such things, and extremely dangerous to inquire.

The gentleman who gave me this explanation knows the Zulus probably better than any living European; he is himself an old resident in Zululand, and a man above all suspicion of exaggeration or misrepresentation. He gave me this and much more information, under a stipulation that his name should not be mentioned, otherwise it would I am sure at once be accepted as a guarantee for the accuracy of his statements.

It is possible I may have misunderstood the Norwegian missionaries as to the killing of the converts having gradually increased of late; apparently it all took place within the last two years.

They possibly referred to killing people in general, unconverted as well as the Christian converts, and in that they certainly were strictly accurate; for all information goes to prove that killing by "impis," at first rare, has latterly become extremely common.

III.—Demand by Cetywayo of right to close all customary Roads through Zululand with one exception.

(No remark.)

IV.—Violation of British Territory by seizure of two refugee Women, subsequently carried into Zululand and supposed to have been there murdered.

I think it quite necessary that the delivery up to justice of the offenders in this case should have been demanded, and should now be peremptorily insisted on, together with a fine for the delay in complying with the reiterated demand.

Had I been aware of the legal difficulty which I understand may prevent the offenders being tried in any Natal court for anything more than an aggravated assault in British territory, I would have suggested the demand of a fine of more exemplary amount in addition to the surrender of the offenders.

V.—Violence to Mr. Smith, Surveyor, Engineering Department.

I cannot at all agree with the lenient view taken by the Lieutenant-Governor of this case.

Had it stood quite alone, a prompt apology and punishment of the offenders might have been sufficient. As the case stands, it was only one of many instances of insult and threatening, such as cannot possibly be passed over without severe notice being taken of them.

Mr. Smith was beyond a doubt on the Natal side of the water; to seize him, to carry him across the water, to take from him any small articles he had on his person, to detain him for an hour-and-a-half, and to threaten his life, whether done by the King's order or only by his border guards, and subsequently only tacitly approved by his not punishing the offenders, seems to me a most serious insult and outrage, and should be severely noticed.

VI.—Threats to the Lüneburg Farmers.

I concur in his Excellency's conclusions, but I cannot think that we should permit threats of this kind to be made without severely noticing them. We must insist on the right which we have not denied to the Zulus, to move about our own troops within our own borders, without its being assigned as an excuse for the Zulus sending threatening messages in the King's name to our quiet frontier farmers and calling on them to quit farms within British territory.

VII.—Forcible expulsion of Settlers in disputed Territory.

I do not think it will do to name a fixed sum. Cetywayo should be required to make good whatever loss of private property has occurred consequent on his unprovoked aggressions and encroachments.

(Signed) H. B. E. Frere,
Governor and High Commissioner.

December 6, 1878.

No. 43.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Jan. 10, 1879.

High Commissioner's Office, Pietermaritzburg, Natal,
SIR, December 9, 1878.

IN continuation of previous correspondence on the subject of our immediate relations with the Zulus, I have the honour to transmit a copy of a Despatch I have received from his Excellency Sir Theophilus Shepstone, commenting at my request on the terms to be proposed to Cetewayo, a copy of which will be found with the report of the Boundary Commissioners in my Despatch of the 16th ultimo (Enclosure No. 13).*

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State,
Colonial Office.

Enclosure 1 in No. 43.

Government House, Pretoria, Transvaal,
SIR, November 30, 1878.

I HAVE the honour to acknowledge the receipt of your Excellency's Confidential Despatch of the 22nd instant, transmitting copy of a memorandum of terms to be proposed to Cetywayo, which you have sent to his Excellency the Lieutenant-Governor of Natal, on the subject of the steps to be taken in following up the communication to the Zulus of an award in the question of disputed boundary.

2. In compliance with your Excellency's wish I shall proceed to make such remarks as may occur to me on the memorandum referred to, and upon the points upon which your Excellency desires especially to have my free and unbiassed opinion.

3. As to the nature of the promises made by Cetywayo at his coronation, I enclose copy of the official report of the proceedings on the occasion of the promises being made, and I have marked on the margin such paragraphs as appears to me to contain conclusive evidence that the Zulu people expected a great improvement in the government of Zululand to result from the installation of the new King by Her Majesty's Government in Natal; that they believed that I, as representing that Government and as occupying the position which I had been invited to occupy, had the power to make that improvement by stipulations to be insisted upon at the installation; that after those stipulations had been publicly made and accepted and proclaimed in the presence and with the concurrence of the new King, the nobles, and the people, the Zulus believed that the desired improvement had been accomplished, that Cetywayo assented without reservation to those stipulations, as well as to their being proclaimed, and himself ordered their proclamation; that they had all been fully discussed and understood both in private council and at the public assembly of the nobles and people in Cetywayo's presence; and that on the second day after the ceremony I again carefully explained to the nobles, who came to take leave of me, the nature and bearing of the new laws, to all of which they expressed their assent.

4. If anything were wanting to show that the Zulu people highly valued the service which the installation of their new King and the proclamation of the new laws had in their opinion accomplished for them, it is to be found in the expressions of gratitude that greeted the expedition along the whole line of its return route to Natal. The news had preceded us, and this greeting was the result of it.

5. From the Zulu point of view I was clothed with the authority to proclaim these laws from the moment I entered Zululand to that of my declaring Cetywayo to be king, so that theoretically Cetywayo would have been bound by them, whether he had assented to them or not, and the power I represented would have equally become entitled to make inquiry why they were disregarded.

6. My election by the Zulu people to do this service for them arose most probably from the position I had so long held over the natives in Natal and towards the Zulus themselves, and especially also because 12 years before I had been the means by which the good offices of the Government of Natal had prevailed in quieting the country by bringing about the nomination of Cetywayo as his father Panda's successor. My per-

* No. 19.

sonal relations and reputation with the Zulus, whatever they may have been, were merely accidental, and may have determined their preference and choice; but these would have accomplished nothing if I had not represented a power which every Zulu looked upon as entitled to ask why stipulations agreed to on such an occasion were not kept, and which could make this inquiry with the authority and weight that real power gives; my presence, therefore, as representing Her Majesty's Government in Natal, and the action I took in that capacity, were a tacit pledge to the Zulu people that if the stipulations were broken by Cetywayo, upon which we enabled him to become the head of the Zulu nation, we should exercise the right on their behalf which we then acquired of insisting upon their observance.

7. With regard to the diversity of opinion which your Excellency has met with as to the character of Cetywayo's rule since his coronation, there can be little difficulty in obtaining in Natal among the tribes bordering on the Zulu country sufficient evidence to show beyond doubt what the real state of the case is. The massacre of the unmarried girls took place while I was in England, but the truth, whatever it is, of this matter can easily be ascertained in Natal.

8. The terrorism which induced the missionaries to leave the Zulu country, the missionaries themselves who left, and are now for the most part in Natal, should be best able to describe.

9. My own observation as to the nature of Cetywayo's rule is that for some time after his coronation he felt the necessity for observing, to some extent at least, the stipulations to which he had agreed, but that gradually his rule became more and more barbarous and cruel, until at length he openly denied the binding character of those stipulations, and his disregard of human life came to be compared by the natives themselves to that of his uncle Dingaau, than whom no greater monster ever existed even in Zululand.

10. It was with great reluctance that I was forced to adopt this unfavourable opinion of Cetywayo. I was naturally slow to discredit the success of my own work. I had hoped that the effects of what the Government of Natal had done through me would have been more favourable and lasting, and it was not until I felt compelled that I abandoned that hope.

11. I am not able to say whether only three persons or more than that number have been put to death from causes connected with their mission associations; it was, I believe, after I left Natal that this particular course of conduct towards the missionaries or their converts developed itself; but even if there were no more than three, and these three were separate cases, and not the result of an excitement or tumult that overwhelmed the three together, I do not see that the argument would be much strengthened if there had been more cases than three.

11*a*. I annex two extracts from Despatches addressed by me to his Excellency Sir H. Bulwer in January last describing a most barbarous outrage committed north of the Pongolo in that month. Copy of Mr. Rudolph's report of the result of his investigation was transmitted to the Lieutenant-Governor of Natal in my Despatch No. 8 of 7th February last.

12. I also transmit documents detailing the particulars of the proceedings of an armed force sent by Umnyamana, Cetywayo's Prime Minister, in October 1877, to seize a girl claimed by him who had escaped into territory then occupied by Transvaal subjects.

13. By the award of the Boundary Commission, however, the spot at which this happened would fall into Zululand, and I send the particulars chiefly to show the spirit in which the Zulus have behaved towards the Transvaal Government since the annexation.

14. In the memorandum which I transmitted to your Excellency in my letter of the 18th of November, and which you could not have received when you wrote your Despatch which I am now answering, I have stated my opinion as to the measures which ought to be taken with a view to obtaining further security for good government in Zululand for the future.

15. I will, however, add my belief that the Zulu power is likely to fall to pieces when touched, and that the probabilities lie in the direction of your Excellency being forced to appoint a number of Commissioners to govern Zululand in detail under a head Commissioner.

16. Resistance more or less desperate may at first be expected from the young regiments who have their ambitions and their traditions to satisfy, but I think that even the extent of this will depend much upon the success with which your Excellency's objects and grounds of complaint and action are shown to the Zulu people to be in their interests, and against the tyranny and shedding of blood which may be acceptable enough to the

young soldier, but which the mass of the population so much and so constantly dread. I have written this hurriedly, so as to place your Excellency in possession of my views by the return mail, but should anything further occur to me I shall address you again on the subject.

I have, &c.

His Excellency the Right Hon. (Signed) T. SHEPSTONE.
Sir H. Bartle Frere, Bart., G.C.B., G.C.S.I.

Enclosure 2. in No. 43.

EXTRACT from Despatch No. 3, dated Utrecht, 26th January 1878, addressed to Sir H. BULWER, K.C.M.G., by his Excellency the Administrator of the Government of the Transvaal.

SIR, Utrecht, Transvaal, January 26, 1878.

I HAVE the honour to transmit for your Excellency's information copy of a report that reached me yesterday afternoon, describing the exercise of Zulu sovereignty to the north of the Pongolo river.

Native accounts describe the object of these parties to be to carry out the Zulu King's orders for the execution of certain obnoxious persons, who reside in Transvaal territory, whom he claims to be Zulu subjects, notwithstanding their residence.

The Landdrost, Mr. Rudolph, has gone to inquire into this matter, but as he cannot be back before the mail leaves I send you such information as has come to hand.

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EXTRACT from Despatch No. 4, dated Utrecht, 29th January 1878, addressed to Sir H. BULWER, K.C.M.G., by the Administrator of the Government of the Transvaal.

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8. A few days ago, notwithstanding all that has been said on the subject to Cetywayo by your Excellency and by me, a party of Zulus crossed to the northern bank of the Pongolo, and put to death, as executioners of the Zulu authorities, a native living on a granted farm in territory regarding which no dispute was ever supposed to exist.

9. The man was seized while he was milking his cows, and stabbed to death without trial in the presence of his family. His wives were compelled to bury their husband's body, and, after having been forced to perform the ablutions considered necessary after touching a corpse, were, six in number, carried off with their children and the dead man's cattle as booty to Zululand.

10. Such acts may occur at any moment, and the Government is powerless, because, although this occurred north of the Pongolo, Cetywayo has chosen to assert a territorial claim to the north of that river, and the question of boundary has become one of arbitration.

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Enclosure 3. in No. 43.

(No. 223.)

SIR, Landdrost Office, Utrecht, October 26, 1877.

I HAVE the honour to enclose for his Excellency's information copy of a deposition taken by me this morning of an attempt made by Umayamana's people to carry off a girl from the kraal of Magota, which is situated about 24 miles from Utrecht and about 15 miles from the disputed Zulu border. The Zulu party have had to pass several farms occupied by white people to reach the kraal of Magota.

I also enclose extract from my memorandum book of Zulu matters, which will show that the case of the girl had been inquired into and settled in the usual way of dealing with such cases.

You will perhaps recollect that Umayamana, at his Excellency's meeting with the Zulu Chiefs at the Blood River on the 18th instant, spoke to me about his wife, and that he was very pressing on the subject.

The woman he then spoke about is the same that his people now sought to carry off.

I informed Umayamana on the 18th that I would see that he would get the lobola,

but that the woman would not be returned by force against her will. He was very dissatisfied at the time.

I have directed the uncle of the woman to remove her (the woman) to some of her relatives further away from the border.

The kraal of Magota is several miles on this side of Zululand from the old Blood River line and about 15 miles inward of the old fort Pad.

I have, &c.

The Hon. the Secretary for Native Affairs,
Transvaal, Newcastle.

(Signed) G. M. Rudolph,
Landdrost.

Extract from Zulu Memorandum Book of the Landdrost of Utrecht.

Utrecht, September 1, 1877.

Appeared Umhlahla Mazadeni and Uyumbana, Zulu messengers, who state that they have been sent by Cetywayo to ask the return of a girl named Umvimbi, who ran away from the kraal of Umyamana Insabekuluma about three or four months ago, and who is now living with her uncle (on her mother's side), named Magota, on the farm of Cornelius Potgieter, of Bivana's Drift, Ward No. 1, district Utrecht.

The messengers say that the girl in question belongs to Umuyamana; that she is an orphan child, her parents having been killed some years ago for witchcraft, when she, the girl, became Umuyamana's property. Her father's name was Matshobana, and was one of Umuyamana's people. The girl is Umuyamana's makoli, and appears to be about 17 years of age.

The girl Umvimbi present. She says that Umuyamana's wife, Tandili, ill-treated her so much that she came away; that she will not return to Zululand; that she complained to Umuyamana, and that the elders heard her complaint, but gave no judgment, and the woman threatened to beat her again.

The uncle of the girl also present. States that the mother of the girl (his sister) was never paid for by her deceased husband, except two head of cattle which he received at the time of Dingaan's death.

The girl was advised to return to Zululand, but she point blank refused.

It is ordered that the cattle, eight in number, which shall be received for the girl shall be paid to Umuyamana.

(Signed) G. M. Rudolph,
Landdrost.

Utrecht, October 26, 1877.

Appears Magoto, cautioned, states :—

I live on the Bivana River, between the farms of the late Cornelius Potgieter and Fritz de Jager, in this district.

I was present at the Landdrost's office here about two months ago when Umhlahlo Mazaleni and Nyumbana, Zulu messengers, came to ask the Landdrost to give up to them my niece, Nomvimbi, who came to my kraal from Zululand about three months before.

The girl was also present; she refused to return to Zululand, giving for a reason that Umugamana's wife, the daughter of Fusi, had treated her badly, and had scandalized her.

The girl was allowed to remain with me, and the Landdrost ordered that the cattle which I should receive as lobola for the girl shall be Umugamana's property.

The girl then returned with me to my kraal.

In the evening of Sunday last, about bed time, I heard a noise in and about my kraal, such as the trample of feet.

I immediately armed when I heard the voice of Nyumbana, Umugamana's nephew, and of others, saying to me that I was not to arm or resist, that they had come to do no harm to anyone, but to fetch the girl Nomvimbi, who had been given up to Umugamana by the Makosi Semkew and Shela.

I said to them that they were telling a falsehood, because they did not come there in the manner in which they would have come had the girl been given up to them.

That if what they said were true, they would not have come in the night, and would have been accompanied by police.

They then searched one of my two huts, and not finding the girl passed on to the kraal of my neighbour Umfokazana, which is about 150 yards from mine. I remained in my hut, when shortly afterwards Umfokazana came to me and said that a Zulu impi Novimbi

from his kraal. I went out armed with shield and assegais, and accompanied by Umfokazana, who was also armed, went to the impi, which was then passing close to my kraal, and appeared to number about 25 men armed. I said, "Where is the girl; have you "killed her? If you have killed her, you will have to kill me also." Saying I rushed at them, when they fled leaving the girl behind who ran to me. At this juncture two sons of Mafokazana, named Makuza and Diamana, came to us armed with guns. The Zulu men then turned and rushed towards us, firing a shot at the same time, of which we heard the bullet whistle over our heads.

We then rushed at them, when they turned and ran off in the direction of Inhlongumuga towards Zululand. We chased them for some distance, and fired two shots after them. No one was hurt on either side. The girl is still at my kraal.

(Signed) The mark of Magoto ×

Before me,

(Signed) G. M. Rudolph,

Landdrost.

The Landdrost of Utrecht is requested to prepare a statement setting forth the circumstances under which Umugamana puts forth a claim to the girl in question.

(Signed) H. C. Shepstone,

November 14, 1877. Secretary of Native Affairs.

Statement setting forth the Circumstances under which Umugumana puts forth a claim for the girl Novimbi.

Many years ago, in the reign of the late Zulu King Umpanda, a Zulu named Matshobani and his wife were charged with witchcraft, and in consequence killed by order of the Zulu Captain Umugamana, and their children (two girls) and cattle (a goodly number) taken possession of by Umugamana.

One of the girls, named Novibimibi, was at that time about ten or eleven year of age. She lived and was brought up by Ohasibi Umugamana's chief wife. Nomvimbi grew up and became a fine young woman; she had attained the age of about 17 or 18 years, Umugamana made her his concubine, Sincinza.

Before this occurrence Magota, a brother of Matshobani's deceased wife, demanded cattle from Umugamana, as lobola for the children of his sister, as the Matshobani had only paid two head of cattle for the mother of the girls. Umugamana refused to pay any cattle, asserting that the children had become his property because he had killed their culpable parents.

About two years ago, whilst the younger of the two girls was on a visit at her uncle Magota's kraal, Umugamana sent an impi to kill Magota also. Magota received timely warning of his danger, and escaped with his family and the girl to this district, leaving his cattle and crops in the possession of Umugamana.

Umugamana's son Maduna and the elder girl Nomvibi loved one another, and carried on the practice of Ukusoma, when Umuyamana told his intention to her to make her his wife. She remonstrated and informed him of the connexion which existed between his son Maduna and herself, but Umugamana paid no attention to what she had told him and made her his Sincinza. This was publicly known in the district.

About six months ago one of Umugumana's wives, Ohanfusa, on some pretence or other quarrelled with Novimbi, and accused her of adultery, and said that she should go back to her husband Maduna. Novimbi was very angry at this, and said that Umugamana's people had accused her parents of witchcraft, and on that allegation killed them, but that Umugamana had committed a much greater crime than her parents by taking to wife the daughter of an Umtagato and the isisebe of his own son.

Nomvimbi, being afraid that what Ohanfusi had said would endanger her life, complained to the elders of the people, and requested an inquiry into the charge brought against her by the woman Ohanfusi. The elders collected the people connected with the case, and heard what both sides had to advance, but came to no decision on account of the violent and insulting language of Ohamfusi towards them.

Novimbi not satisfied with the state of things told Umugamana that unless she obtained redress she would run away and cast herself away amongst the hills.

Umugamana treated the matter lightly, which caused the girl to run away to her uncle Magota in this district.

Magota took the sister of Nombimi to Dambambi in the country.

The circumstances that followed the escape of the girl from Zululand are stated in the preceding documents.

I have, &c.
(Signed) G. M. RUDOLPH,
Landdrost.

Utrecht, November 15, 1877.

No. 44.

COLONIAL OFFICE to WAR OFFICE.

SIR, Downing Street, January 14, 1879.

WITH reference to previous communications on the subject of the disturbances in and on the border of the province of Griqualand West, I am directed by the Secretary of State for the Colonies to transmit to you, for the information of Secretary Colonel Stanley, the accompanying copy of a Despatch from Sir Bartle Frere,* enclosing a copy of a Despatch from Colonel Lanyon, forwarding a copy of the Proclamation of Amnesty which he had issued with the advice of his Executive Council.

I have, &c.
(Signed) JOHN BRAMSTON.

The Under Secretary of State,
War Office.

No. 45.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received January 15, 1879.)

High Commissioner's Office, Maritzburg, Natal,
SIR, December 10, 1878.

I HAVE the honour to acknowledge the receipt of your Despatch of the 17th October,† on the subject of the reinforcements asked for by his Excellency Lieutenant-General Lord Chelmsford.

2. I can add little to what has been already said in previous Despatches on the subject of the military necessity for the reinforcements asked for; but I would venture to add a few remarks on the observations in your Despatch, that "all the information "that has hitherto reached Her Majesty's Government, with respect to the position "of affairs in Zululand, appears to them to justify a confident hope that by the exercise "of prudence, and by meeting the Zulus in a spirit of forbearance and reasonable "compromise, it will be possible to avert the very serious evil of a war with Cetywayo."

I am not, of course, aware what information may have reached Her Majesty's Government on this subject, other than what has passed through me. But I confess that, looking back at the information I have had the honour to submit to Her Majesty's Government for the past 12 months, I can find little ground for any such hope of avoiding a war with Cetywayo.

3. For some time after my arrival on the frontier of the Cape Colony I was incredulous as to the existence of anything like a common purpose in the restlessness of the native tribes, and their disposition to measure their strength with the European races; but gradually an irresistible body of evidence from every part of South Africa, all pointing to one conclusion, convinced me that though there might be no definite agreement between any two tribes, there was a common purpose and a general understanding that the time was now come for the black races to shake off the domination of the white and to expel them from the country, and that, though Kreli might be the leader among the Amaxosa races, Cetywayo, as King of the most powerful Kafir tribes, was the head and moving spirit of the combination.

4. Where nothing is ever written in the intercourse between different tribes, where everything is carried by word of mouth through trusted messengers, who, even if inclined to face the risk of instant death from their employers, could produce no proof in support of their verbal statements, direct evidence implicating anyone as the author or instigator of any such common understanding, or as keeping alive such aspirations, is hardly to be expected.

But wherever there has been disturbance and resistance to the authority of Government between the Limpopo and the westernmost limits of Kafir population, there we have found unmistakable evidence of the same kind.

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* No. 37.

† No. 92A of C 2220 of Dec. 1878.

Zulu messengers, on trivial matters "to buy dogs," "skins," "feathers," &c. are found to have been frequent visitors at the kraal of every influential Chief of the Kafir or cognate races, and their message, however innocent in its own terms, has been always interpreted and received in one way, viz., as meaning something connected with the expulsion of the white and the restored supremacy of native dynasties.

5. This is, in brief, the effect of much carefully detailed evidence, of which I have had the honour to submit the results, coming from men of the highest authority on such subjects, regarding Pondos, Galekas, Gaikas, and many other Kafirs of various races; Griquas of the East and West, Corannas, Batlapins, Basutos, and Swazies.

Among the Swazies indeed on the immediate border of Zululand the Zulu action has been audaciously and defiantly unveiled. Large armed bodies of the King's regular soldiers have appeared and built military kraals far in advance of their old positions and across the border, whilst the indunas at the head of such forces, speaking in the name of Cetywayo and by his authority, have given warning to the white settlers as well as to the Swasies and others in their neighbourhood to clear out and give up the lands they occupy, which have never belonged to Cetywayo or the Zulus.

6. It is true that Cetywayo has occasionally disavowed having ordered the notice to be given; but he has never punished those who gave it in his name, nor done anything to show his subjects it was withdrawn.

The result is every where the same; unrest, and opposition, more or less active to the white man, in order that the good old days of native supremacy might return.

Cetywayo is always referred to as the head centre, and the Zulus as the main strength of the movement.

Cetywayo is generally regarded by our own natives, as well as others, as the greatest potentate in Africa, and as the Sovereign with whom lies the decision of peace or war.

7. The chance of avoiding war under such circumstances by any exercise of prudence, or by meeting the Zulus in a spirit of forbearance or reasonable compromise, may depend upon ourselves or upon the Zulus, or upon the nature of the issues pending between us.

As regards ourselves I can speak with some confidence, because our relations with the Zulus have been, and still are, under the care of his Excellency Sir Henry Bulwer, than whom I believe it would be impossible to find in Her Majesty's service any officer more honourably jealous of the character for justice and intrinsic fairness of every act of which he, as a servant of Her Majesty, is in any way connected. I feel assured that whilst his Excellency the Lieutenant-Governor of Natal has anything to do with the negotiations, there can be no want of prudence or of forbearance, and no disinclination to reasonable compromise consistent with a due regard for the honour of Her Majesty's flag.

8. As regards the Zulus there is great difficulty in ascertaining their real feelings. The despotism under which they live is the most absolute possible, with literally no check but that of assassination, the people are among the proudest and most confident in their own prowess of any in South Africa, and in a state of social and political development, which precludes their weighing any considerations but those of the narrowest self-interest.

Nevertheless, many people who profess to know them well assure me that, with the exceptions of the King, of some of the nobles and courtiers, and of the younger regiments the Zulus in general envy the quiet and protection enjoyed by their cognate tribes under British rule, and would gladly aid in compelling the King to accede to any terms which would secure like advantages to themselves in Zululand.

But whether this can be attained without war depends almost entirely on the King; and I have as yet never heard anything regarding him which gave me the faintest hope that he would accede to any terms limiting his own power, unless from a conviction, which it is not easy to bring home to him by any peaceable means, that it is useless to resist.

9. It is no exaggeration to say that his history from the first has been written in characters of blood. I do not refer merely to the long chronicle of his butcheries—from the slaughter of his brothers and their followers, early in his career, down to the more recent indiscriminate and wholesale destruction of all the unmarried women who attempted to evade his orders given in a sudden fit of caprice, that they should accept as husbands the elderly unmarried soldiers of his army, the massacre being subsequently extended to all the relatives who took away for burial the exposed corpses of the slaughtered women—but I would take his character from his own account of himself; it was sent little more than two years ago to the Lieutenant-Governor of Natal, who, on hearing of the massacre of the girls, wrote to remind him of what had very recently passed between him and the representative of the Natal Government, Sir T. Shepstone, in the way of promises of more merciful rule, on the occasion of his installation as King, expressing a hope that the Lieutenant-Governor might learn from him that the reports

which had reached him were incorrect. Cetywayo replied: "Did I ever tell Shepstone? Did he tell the white people I made such an arrangement? Because, if he did, he has deceived them. I do kill, but do not consider yet I have done anything in the way of killing. Why do the white people start at nothing? I have not yet begun. I have yet to kill; it is the custom of our nation, and I shall not depart from it. Why does the Governor of Natal speak to me about my laws? Do I go to Natal and dictate to him about his laws? I shall not agree to any laws or rules from Natal, and by so doing throw the great kraal which I govern into the water. My people will not listen unless they are killed; and, while wishing to be friends with the English, I do not agree to give over my people to be governed by laws sent to me by them. Have I not asked the English Government to allow me to wash my spears, since the death of my father Umpandi, and they have kept playing with me all this time, and treating me like a child? Go back and tell the English that I shall now act on my own account, and if they wish me to agree to their laws I shall leave and become a wanderer; but before I go it will be seen, as I shall not go without having acted. Go back and tell the white man this, and let them hear it well. The Governor of Natal and I are equal. He is Governor of Natal and I am Governor here."

10. It would be a charitable supposition that the man who avowed himself such a monster was mad, but there is ample evidence to show that his murders and massacres are simply part of a settled purpose to emulate Chaka, his uncle, who founded his dynasty on a system of indiscriminate slaughter of all his enemies, the vanquished and most submissive as well as those who resisted; of all who in any way offended him or crossed his will, and even of his own wives, as soon as there was a possibility of their giving birth to an heir to the throne.

It needs no detailed argument to show that such a potentate must be a perpetual menace to his neighbours.

11. As to chances of binding him by treaties, I need only quote from one of the last reports I have seen from the Secretary of Native Affairs in Natal, who says: "This Government (Natal) has had ample proof that no declarations of the Zulu King made to it at any time or in any way, however important the matter may be, can be relied on."

What then is to be done to avoid war with such a neighbour? Is he likely to meet forbearance and reasonable compromise in a corresponding spirit? No one who has the slightest practical experience of Cetywayo, or of similar barbarian potentates elsewhere, could reasonably except such a result.

Shall we then continue the old system of procrastination and delay of disagreeable and difficult decisions?

It seems clear to me that the time for all such palliatives has long since passed, and that nothing could be more dangerous to Natal than to attempt the continuance of any system which depends on them.

Can we then rest on an armed truce? This system might be effective if we could spare the requisite force, but I should be sorry to recommend it with a smaller force than is at present stationed on the Zulu border.

12. After the most anxious consideration I can arrive at no other conclusion than that it is impossible to evade the necessity for now settling this Zulu question thoroughly and finally, and that there is no apparent course, consistent with our own safety, unless we lay down definite conditions for the future government of Zululand, and compel the ruler, if necessary by force, to observe them.

What those conditions should in my opinion be I have already stated to Her Majesty's Government; they are briefly a strict observance of the Chief's coronation promises to the British Government, but more especially to, and on behalf of his own, people; with the appointment of a British resident to secure the faithful performance of his engagements.

13. I am not sanguine that Cetywayo will himself submit in good faith to any such demands without a trial of his strength against that of the British Government; but I think it possible that a considerable number of his Chiefs and people will join us in compelling their acceptance as soon as they perceive that he is not stronger than we are. This is, however, the one point on which they are sceptical.

14. The future of the Zulu nation may, when that question is satisfactorily settled, somewhat resemble what we are told it was in happier times before Chaka converted them into a nation of conquerors. They are described as a species of confederation of semi-independent tribes, living in a state of freedom from causes for prolonged hostilities.

Under a British resident they could hardly fail gradually to improve in civilization, and to become useful and peaceable allies to the South African Colonies; and, with ordinary care on our part, they ought at once to cease being any source of danger to us or their other neighbours.

15. I have already stated to Her Majesty's Government the force which, after consultation with his Excellency the Commander of the Forces, I considered necessary to accomplish all that has to be done with the least possible risk of avoidable bloodshed, in the shortest possible time, and at the least possible expenditure of money or of human life.

The force we have now at our disposal is not as large as we thought necessary, though we have called up every available company in South Africa, and anticipated all the suggestions contained in the last paragraph of your Despatch now replied to.

But in the absence of reinforcements we must do our best with such means as we have, and if devotion to Her Majesty's service can compensate for deficient numbers I have no fear for the result.

16. Even were it otherwise, there is clearly no possibility of now evading bringing matters to an issue with the Zulus. Apart from every other consideration, there is no safety in attempting to retreat; it is not the Zulus only who would instantly become audaciously aggressive.

Unless we are utterly deceived by false information from every quarter, the natives everywhere in South Africa are watching our proceedings with a view to determine their own course of action, and any hesitation or delay in doing what they see our safety requires would inevitably induce renewal of revolt wherever it has been lately quelled, and would spread the infection to tribes which have heretofore remained quiescent. But, in point of fact, the option does not rest with us. Whether there shall be war or peace depends on the will of Cetywayo, and on the amount of pressure the more peaceably disposed of his people can bring to bear on him. After what has been so often stated of his character and antecedents it seems clear that something more than prudence and forbearance on our side is needed to ensure his keeping the peace.

17. I have said nothing regarding the state of the Transvaal, because if it were possible by forbearance and reasonable compromise to avoid war with the Zulus no reference to Transvaal interests could justify war.

But believing as I do that no prudence, forbearance, or compromise can avert the risk of war, for which I believe we are in duty bound to prepare, I feel justified in begging attention to the fact that inability to hold their own against the tribes they had provoked, and notably against the Zulus, was among the prominent reasons assigned for the annexation of the Transvaal, and one, the force of which was recognised by many who could see no other justification for that measure.

The Boers, like the natives, are now watching what we do in our discussions with the Zulus. If they see that we are able to do what they themselves could not effect, by keeping the Zulus in check, the Boers will acquiesce, with more or less equanimity, in the justice of our annexation of the Transvaal. Otherwise they will consider that this, at least of the grounds we assigned, is invalid; and even if they abstain from resistance to authority they will submit with a bitter and not ill-founded sense of the insufficiency of our justification.

18. I will add but a very few words in answer to a theory not uncommonly set up at the present moment, that the existing unrest of native tribes is in some way the result of what has taken place during the past two years.

Nothing, it seems to me, could be further from the truth. In a very able and comprehensive Despatch by Sir George Grey, dated as far back as the 3rd December 1855, I find a masterly resumé of the dangers of massing Zulus or any other uncivilised natives in large communities unwatched and unimproved.

Warnings of the same kind may be found scattered throughout many a wise Despatch of Sir George Cathcart and his successors, and illustrated by the experience of men like the Hon. Charles Brownlee and Sir Theophilus Shepstone.

No man can read the correspondence regarding Langalibalele or more recent native affairs in Natal, or respecting the border question in the Cape Colony, without seeing that what has lately happened here was long since foreseen and predicted as inevitable by some of the most sagacious and experienced men who have directed their attention to native affairs in South Africa.

I hear frequent reference made to 30 years of comparative peace in Natal as if it were an argument to prove either the excellence of the system pursued during those 30 years or the absence of cause for apprehending any interruption of peace. We might on similar grounds have expected that the peace which followed the battle of Waterloo was

never to be interrupted. The dangers we now face have been long foreseen, and we cannot escape them either by denying their existence or by attributing them to causes which are simply symptoms in the chain of their development.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Secretary of State for the Colonies,
&c. &c. &c.

No. 46.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR M. E. HICKS BEACH, BART. (Received January 15, 1879.)

High Commissioner's Office, Maritzburg, Natal,
SIR, December 12, 1878.

IN continuation of my Despatches regarding the terms to be proposed to the Zulu King, I have the honour to forward a Minute by his Excellency Sir Henry Bulwer, dated the 29th ultimo.

2. I have noted at the end of the Minute the few remarks which appeared to me to be called for; the topics touched on in the Minute having been already more or less fully discussed in previous Despatches on the same subject.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State,
&c. &c. &c.

Enclosure 1. in No. 46.

MINUTE.

I HAVE read and considered with attention the *Minute of his Excellency the High Commissioner, dated the 13th instant, regarding the terms to be proposed to the Zulu King, after the delivery of the award in the matter of the disputed boundary question, in connexion with certain other matters in dispute or in question between us and the Zulus, and more particularly in connexion with the future relations between the British Government and the Zulu King and people, and with the future condition of government in the Zulu country.

2. I beg leave to express my concurrence generally in the conclusions of the High Commissioner, and in the terms which his Excellency proposes to lay down.

3. Two of the demands which it is proposed to make upon the Zulu King relate to the outrage by Sirayo's sons committed in August last in Natal territory, and to the act of interference by certain Zulus with Messieurs Smith and Deighton whilst inspecting one of the drifts on the Border River in the course of the month following.

4. These being offences committed by individual Zulu subjects, either on Natal territory or in respect of British subjects, and being incidental to the situation between the two countries which are neighbouring to one another, form, in ordinary course, on account of the relations hitherto subsisting between the two countries, the subject of arrangement or adjustment of an ordinary nature. The demands to be made concerning them are, therefore, I think, to be clearly distinguished from the other demands which it is proposed to make, which are not demands of an ordinary nature, but of an exceptional character, raising, as they do, important questions regarding the future relations between British authority and the Zulu Government, and regarding the whole Zulu system of government.

5. On both the particular cases above named, as constituting the subject for demands on our part for due reparation, I have expressed my views in my Memorandum of the 18th instant, and I have no further observations to make respecting them, except to suggest a question whether the interference with Messieurs Smith and Deighton can be strictly described as a violation of British territory. (A.) The interference, it would seem, took place on the very border line, in the bed of the boundary river, and the Zulus who interfered interfered on the ground that Messieurs Smith and Deighton were in Zulu territory, and, no doubt, they supposed this was the case. The difference, however, is perhaps hardly worth naming. The real offence, I assume, was an interference

* Enclosure No. 13. of No. 19.

with two British subjects, and it is of no great moment whether it happened just within the Natal border or just within the Zulu border. It was an interference that arose out of exceptional causes, and some allowance should, I think, be made under the circumstances for those who interfered; but it was an interference that ought not to have taken place, and cannot be passed over altogether, and I apprehend that what his Excellency will consider necessary is the imposition of a fine just sufficient to mark the fact that the act of interference was an act of offence, and to show that such offences must not be committed in future.

6. The other and the more important demands concern the future observance by the King of the promises of good government made at his coronation or installation in 1873: the abolition of the existing military system, the establishment of a British Residency in the Zulu country, and the future protection of missionaries and of their native converts in that country.

They are demands which raise new questions, and questions of great gravity, involving very important issues, for they touch the whole system of Zulu government and polity, and propose to effect an alteration which will revolutionise that system.

7. The British Government has, in the Colony of Natal, been placed side by side with the Zulu nation for over 30 years, and it has never yet attempted to regulate its relations with the Zulus, nor to interfere, except by way of counsel and advice, in the Zulu government and system. (B.) The part taken by the Natal Government in the installation of the present Zulu King marks a certain departure from the previous policy, but no practical hold was then established, either upon the King or upon the nation, nor was any attempt made to establish one.

8. But whatever may have been done or not done hitherto, it must be admitted that the time has now come for placing the relations between the Zulus and the British Government upon some more decided and more satisfactory footing. For, assume that all the questions now in dispute or at immediate issue can be settled,—and I think they are capable of settlement; assume that the decision in the boundary question is accepted; that every possible question of boundary is set at rest; that the sons of Sirayo and others concerned in the outrage in Natal territory in August last are given up to this Government; and that all existing minor cases of difference are removed;—the state of the Zulu nation will remain as unsatisfactory as ever, and the conditions of the country as perilous to the peace of South Africa as they now are.

9. The course of events during the last two years has so altered the position of British authority in South Africa, it has so multiplied our responsibility, and the political and the military situations have become such that the relations of the Zulu Government with us, and the condition of the Zulu country, can no longer with safety be left as they are.

It has now become a matter of positive necessity to do something.

10. I fully concur in the views of his Excellency the High Commissioner that we have the right and that we are bound to interfere in the government of the Zulu country, both for the safety of the British countries in the neighbourhood and for the safety of the Zulu people themselves.

11. I do not feel sure, indeed, as to the grounds upon which it can be said that the Zulu King is not an independent sovereign. (C.) His independence has not been called in question before; and, though the request sent to the Natal Government in 1873 partook of the nature of an act of submission, and though the part taken by the Natal Government in the formal installation of Cetywayo may be looked upon as an act by which his position as an independent sovereign was qualified, yet the Government of Natal appears never to have so regarded the act, or to have held that it conferred any right to assert authority over him; and Sir T. Shepstone, who took the principal part in the act of installation, evidently did not consider that any positive or technical relation had been established between us and the Zulu King.

12. But, setting aside the question of independence, the part taken by the Natal Government at the coronation of Cetywayo (assuming always that there was a due and formal representation of the British Government), the distinct promises regarding the better government of the Zulu people then made or accepted by the Zulu King, and openly proclaimed by Sir T. Shepstone before the nation, are circumstances which, if we regard them, as I think we must regard them, as binding, our good faith and honour entail upon us an absolute obligation to interfere on behalf of the Zulu people to secure for them that measure of good government which we undertook to promise for them, just as the safety and security of British territory, and of British subjects outside the Zulu country, establish a right to interfere on their account so far as it may be necessary to do so.

13. There can be no question, therefore, as to the right of interference to such extent as is necessary to secure the objects in view, namely, the better government of the Zulu people and the security of British territory from constant danger.

14. In the measures proposed by the High Commissioner in his present Minute, his Excellency has not gone, in my opinion, beyond what is necessary to secure those objects.

15. In requiring the abolition of the Zulu military system as it is, the High Commissioner strikes at the root of all that is most vicious and most dangerous in the Zulu country.

Nothing but the eventual complete abolition of that system will, I think, suffice, though the effectual attainment of this object will require some management and careful attention on our part for some time.

16. The abolition, as proposed by the High Commissioner, of the rule of compulsory celibacy, and of the system of centralised regiments, will go far towards attaining the object. The whole *regimental* system, in fact, must be broken up, and the abolition of the great military kraals must also be an essential condition. All this will be matter for detail.

17. The form of the demand to be made now, as I understand it, will be, in the terms of the 25th and 26th paragraphs of his Excellency's Minute, a demand for the alteration or abolition of the present military system, and for the reduction of the army to such dimensions as shall be considered by the Great Council of the Zulu nation and by the British Government as sufficient to secure the internal peace of the country. The necessity for the abolition of the centralised system of regiments and for the doing away with compulsory celibacy is to be shown, and, in place of that system, it is to be proposed that every man shall be free to marry when he pleases, as in Natal, and that every Chief shall be under the obligation of supplying a fixed number of able-bodied men for the King's service in peaceful pursuits, to be called out whenever required for such purposes, but not for war unless with the special consent of the Great Council and of the British Government.

18. It will be a difficult matter, perhaps, to make the exact nature of what is here intended sufficiently intelligible to the Zulus.

The proposed *reduction* of the army will probably be misunderstood, and it will be no easy thing to arrange that the Chiefs, who have no ideas of numbers, shall furnish fixed quotas of men to make up a total fixed number. It still leaves it also to be understood that there will be an army.

19. (D.) It might, perhaps, be better to lay down simply the following points, namely:—

(1.) The abolition of the existing military system:
(2.) The disbandment of the standing army:
(3.) The abolition of the great military kraals:
(4.) The right of the Zulu people to settle down and live undisturbed at their own kraals:
(5.) Their obligation only to come out for war when called upon to do so with the consent of the Great Council and of the British Government:
(6.) The right of every Zulu to marry when he pleases as in Natal.

In this way the precise nature of what is required may, perhaps, be made more clear to the Zulu people. In any case the demands, at first, can hardly enter more into details, and the manner in which they are received will be an indication as to the mode to give effect to them should they be accepted, and to secure, as much as possible, their being carried out.

20. That the King personally will not accept what is proposed about the army we may be pretty sure. If he does accept it, then he will do so only under the pressure of the Chiefs and the people. But we cannot, perhaps, feel much better assurance about the reception by the Chiefs and the Council of the nation. Some, no doubt, will be favourably disposed to our representations, and the proposals to disband the army, to prevent it from being called together at the caprice of the King, and to allow all men to marry when they choose, will certainly be welcomed by the population at large. There will, however, in all probability be a division of opinion in the Council, and, as the King and those who are on his side may have the upper hand, it will be necessary for us to be prepared for the worst, and for the peremptory rejection of the demands.

21. It is doubtful also if the proposed establishment of a British Resident in the Zulu country will meet with more favour from the King, and possibly there will be an uneasiness in the mind of the nation as to what is intended. It may, perhaps, be thought well to connect this demand more particularly with the assurances to be required from the King regarding the better government of the people.

22. With respect to those assurances, some sort of definition will be needed. The chief stress should be laid on the necessity of a full and fair trial being given to every person before condemnation where the penalty is one touching his life, and of the rule being observed by which no one shall be killed without the King's special sanction, which sanction cannot be given until after condemnation by trial, and until time has been given for an appeal to the King. Some more definite scheme for such trials will have to be laid down by-and-by; but these are, in sum, the promises made in 1873, and the Resident will most appropriately be appointed for the purpose of taking care that these promises are kept in future, and that the new arrangements to be made regarding the army and the liberty to be accorded to all Zulu subjects to marry are duly observed, as well as to be the medium of communication between the British Government and the Zulu King, in the terms of paragraph 29 of the High Commissioner's Minute.

23. The proposition regarding the missionaries will, perhaps, be equally disagreeable to the King and to the old Zulu conservative portion of the chief men.

24. The terms here mentioned are terms which I think the British Government has a right to make, and, if they are rejected, a right to insist upon. At the same time, whilst there are many in the nation who will regard them favourably and be prepared to accept them with welcome, if they come to understand them, and have time to comprehend what they intend, and that the establishment of a British Resident does not mean the annexation of the country or the imposition of taxes, yet to the King and to a large number the propositions cannot but be obnoxious, and therefore we must not conceal from ourselves that the issue may be hostilities.

In respect of the mode of conveying these terms, they should, I think, be set forth as conditions deemed by the British Government absolutely necessary in consequence of the state of affairs in the Zulu country, and as such laid before the King and the councillors and the whole nation, for their due consideration. The proposals, however, are new, and aiming, as they do, at the root of the whole Zulu system of Government, and being, as they are, for the good of the people, they are of an importance which deserves that they should be only known to and considered by the nation, and a period of 15 days from the date of the delivery of the communications to the Zulu representatives at the Lower Tugela Drift will hardly be a sufficient time for this purpose.

(Signed) HENRY BULWER.

Government House, Maritzburg, Natal,
November 29, 1878.

Enclosure 2. in No. 46.

A.

I cannot at all agree with his Excellency in the doubt here expressed, or in his general estimate of the outrage. There is no question in the evidence before us that Messrs. Smith and Deighton were on the British side of the running stream when they were surrounded and seized by a considerable armed body of Zulus, who crossed the water out of sight for the purpose of surprising them, pulled them about and maltreated them in various ways during a space of at least an hour and a half, seized and carried off their horses, which they had left some distance off in the English territory, took from them several small articles to which their captors took a fancy, and which were not returned, and ultimately released them and gave back their horses, only at the instance of a friendly native who, happening to come up, reasoned with the leaders, and persuaded them to let the Englishmen go. Messrs. Smith and Deighton were unarmed and unattended by any followers, were strictly within their own right, peaceably doing their own work in their own territory, and I cannot find in the evidence a particle of ground for the supposition that the Zulus believed the Englishmen to be in Zulu territory, though I so far agree with his Excellency the Lieutenant-Governor that even if they had crossed into Zululand, and had there been so seized and treated, it would have made little difference. The action of the Zulus would have been, in my opinion, an outrageous insult, for which exemplary satisfaction should have been exacted. Nor can I find in what the Zulus did any excuse for which allowance should in my opinion be made, knowing, as I do full well, that in dealing with people in the Zulus' state of civilization, there is no more fatal mistake, especially at times of tension and irritation like the present, than to pass over or to slightly notice insults like that in question. Such a course may be wise in dealing with an exceptional outrage committed by servants of a strong civilised Government, but its only effect, when we are dealing

with a power like the Zulus, is to increase arrogance and insolence, and renders serious collision inevitable.

B.

As regards the historical part of this argument, the view here taken by his Excellency does not accord with that which has been recorded by Sir Theophilus Shepstone. It seems to me, as far as I can judge, that though the Natal Government did not systematically attempt to regulate its relations with the Zulus otherwise than by counsel and advice, it never, by act or word, conceded to the Zulu power a position of equality or even of independence. It must not be forgotten that the Zulus, having been effectually subdued by the Boers, were vibrating in a state of precarious self-government between two rival European powers, the Dutch and the English, alternately looking for help from the one or the other, and more frequently from the English, because while the language of the Boers was "Give us land and we will give you help in various ways," the spirit of the English treatment always was "Take care of yourselves and do not trouble us."

As far as I can judge from the records I have read, the tone of the Zulu communications to the Natal Government was always that of an inferior to a superior, of a dependant to a protector, up to 1876, when the white races seemed to the Kafir mind to be clearly going down hill, and Cetywayo threw off the mask, and indulged in the outburst of savagery displayed in his reply to the Lieutenant-Governor of Natal of the 2nd November 1876, since which time his tone till very lately has been hostile and defiant in the extreme.

C. para. 2.

It appears clear to me that his Excellency the Lieutenant-Governor has misunderstood the views of Sir Theophilus Shepstone regarding the independence of the Zulus. Indeed, since his Excellency wrote the Minute before us I have received from Sir Theophilus Shepstone a full exposition of his views, to the effect that since the death of Dingaan the Zulus have been virtually and avowedly dependent on their more powerful neighbours, and that from Dingaan's death up to 1876 no claim to Zulu independence was ever put forward by the Zulus themselves. Sir Theophilus Shepstone's opinion will be found amongst the enclosures to my despatch of the 9th December.*

The question is, however, one of comparatively little moment, as our right to interfere in the present state of Zulu misgovernment rests on the very simple ground of our duty of self-preservation, rather than on treaty rights, expressed or understood.

D. para. 19.

I think the mode in which his Excellency proposes to lay down what we require in the way of army reductions is very judicious, and has, I believe, been followed in his Excellency's communications to Cetywayo.

I can also concur in his Excellency's general observations, and I have approved of his adopting his concluding suggestion, that the period to be allowed to the Zulus before demanding a final answer should be extended in some cases to 20, in others to 30 days.

(Signed) H. B. E. Frere.

December 12, 1878.

No. 47.

J. GORDON SPRIGG, Esqre. to the Right Hon. Sir MICHAEL HICKS BEACH, Bart. (Received January 15, 1879.)

Colonial Secretary's Office,
Cape Town, Cape of Good Hope,
December 24, 1878.

Sir,

In the continued absence of his Excellency Sir Bartle Frere at Natal, I have the honour to acknowledge your Despatch of the 28th ultimo,† covering copy of a letter from Mr. John Walker, in which he states his fear that his son, W. B. Walker, whose term of service in the Frontier Armed and Mounted Police had expired, was being detained against his will, and compelled to serve for a further period.

Upon the general question to which Mr. Walker's representations direct attention, I would point out that according to the regulations of the Frontier Armed and Mounted Police no member of the force can claim his discharge if his services are required during war, and that in July last, although actual fighting on the eastern border had almost

* *Vide* Parl. Pap. of April 1877, p. 216.

† No. 5.

ceased, the country was nevertheless in so unsettled a state as to render it absolutely necessary to keep a very large force under arms, and thus some few of the police whose three years' service had expired were detained for a short time.

Walter Walker was discharged at Kokstadt in September last, soon after the expiration of the term for which he enrolled, and is now supposed to be in the Durban Police in the Colony of Natal.

With respect to the complaint contained in the extract from Walker's letter to his father, that he had to sleep in the open field with two blankets and no tent, I cannot refrain from expressing my surprise that a young Englishman, who has lived upon the frontier of this Colony for three years, should for a moment have thought of alluding to it as a hardship. Every frontier farmer sleeps in the open air at times, the climate of the country being such as to invite the practice, which so far from being injurious to the health is frequently beneficial. I may remark that I have myself recently in company with a party of the Frontier Armed and Mounted Police slept out in the field without a tent, or blanket, or covering of any kind.

I have, &c.
(Signed) J. GORDON SPRIGG.

The Right Hon. the Secretary of State for the Colonies,
Downing Street.

No. 48.

The RIGHT HON. SIR MICHAEL HICKS BEACH, BART., to the RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I.

SIR, Downing Street, January 15, 1879.

I HAVE received with much satisfaction your Despatch of the 29th November,* forwarding a copy of a Despatch from Colonel Lanyon, enclosing a copy of the Proclamation of Amnesty which he had issued with the advice of his Executive Council.

I have already conveyed to you my congratulations on the successful termination of the operations which have been so ably carried out by Colonel Lanyon and Colonel Warren and the officers and volunteers under their command, and I am glad to learn that the authority of Government has now been effectually re-established throughout the province of Griqualand West and the adjoining territory.

I have, &c.
(Signed) M. E. HICKS BEACH.

Governor Sir Bartle Frere, Bart.
&c. &c. &c.

No. 49.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received January 18, 1879.)

High Commissioner's Office, Pietermaritzburg, Natal,
SIR, December 12, 1878.

IN continuation of my Despatches on the subject of the award regarding territory disputed between the Transvaal and the Zulus, I have the honour to forward copies of documents regarding:

"1. The completion of the inquiry, which ought to have been made by the Rorke's Drift Boundary Commission, with a view to demarcating the future boundary as defined by them, and to ascertaining the numbers and circumstances of those settlers whose habitations by the definition of the boundary will be in territory foreign to their nationality.

"2. With regard to the appointment of a Resident in Zululand."

It will be in the recollection of Her Majesty's Government that his Excellency the Administrator of the Transvaal in criticising the decision of the Rorke's Drift Commission declared, at the last moment, his opinion that their award defined an "impossible" boundary, a boundary which it would be equally impossible to trace or to maintain.

Had this criticism been communicated to us as soon as his Excellency the Administrator knew the terms of the Commissioner's decision as to the line of boundary, it might have been possible to make at least such a rough examination and demarcation of the boundary as would have shown how far the criticism was well founded before

* No. 37.

publishing any award. Such a rough examination in fact as the Commissioners might, and I think should, have made before drawing up their report.

But the award had been already most inconveniently delayed. The time occupied in supplementing the Commissioners' Report, and in ascertaining the objections of the Transvaal (the losers by their decision), had exhausted the patience of all expectant parties, and had greatly increased the risk of collision, if the delay were much prolonged.

I therefore consulted his Excellency the Lieutenant Governor of Natal, and after further inquiry from some of the members of the Rorke's Drift Commission, I satisfied myself that it would not be really impossible or even difficult to demarcate or to maintain the boundary as defined by the Commissioners, the supposed difficulty of maintaining their boundary was in fact mainly grounded on the idea, very prevalent in the Transvaal, that there can be no transfer of sovereign rights without cancelling all private rights of property within the area transferred.

It is, however, clearly necessary to lose no time in demarcating the new boundary, whether the award is accepted by the Zulus or not. Colonel Durnford, R.E., would probably be the member of the Rorke's Drift Commission employed, with representatives of the Transvaal and Zulu Governments, to demarcate the boundary as defined in the Commissioners' Report.

He knows the ground, and anticipates no difficulty whatever in tracing and beaconing off the line they recommended.

During such process an excellent opportunity would offer for ascertaining the truth regarding the numbers and circumstances of the Transvaal settlers dispossessed by the Zulu incursion last year. This ought, of course, to have been done by the Rorke's Drift Commission, but they did not go into the inquiry, and roughly estimated the numbers of farmers dispossessed at 10 or 15, or at about 18, and generally believed them to be rather squatters than settlers.

I have, however, heard details of properties purchased some years ago from the original grantees and occupied by bonâ fide settlers, who built houses, planted orchards, and believed themselves secure in Transvaal territory up to last year, when the Zulu inroad drove or terrified them into leaving their farms.

I have lists of the names of such people who are now dispersed in the neighbouring provinces from Derby and the Gold Fields to the Orange Free State, and the separate properties are variously estimated at from 38 to 85. Many of them may, no doubt, turn out to have been merely squatters, or stock farmers, "on the Trek" in search of grazing and pasture, but I have reason to believe that there will be found some who had settled on property which they believed to be lawfully theirs, and which they would not willingly abandon.

Careful inquiry is, however, needed to ascertain the truth in every instance, and this I propose to make in the manner described in the printed enclosures.

To secure the rights of such occupants will be an important part of the Resident's duty.

The appointment of a British Resident is the solitary measure regarding the necessity and advantages of which I have hitherto heard here no difference of opinion. It seems to be considered equally desirable by the friends of the Zulus and by those who make no profession of special regard for any but Colonial or European interests.

A representative of the British Government Resident in Zululand, and exercising an influence on all great Zulu questions affecting the nation or its neighbours, and using that influence for the good of the Zulus and for their advancement towards European civilisation, is about as much in the way of definition of what is intended as I have hitherto met with.

There can, I think, be no doubt that such an appointment, if worthily filled, would be a great step towards civilising the Zulus, and rendering them less dangerous to their neighbours.

But of course almost everything will depend on the way the office is filled, and there is a vast deal to be done in the way of training both our own people and the Zulus to take full advantage of the measure.

The Resident will be useful as a protection to the Zulus against unjust aggression on the part of their neighbours, European and native, as well as in protecting our own people from Zulu misbehaviour, but neither party, probably, will at first realise the full extent of this double function.

It will be seen from the enclosures that I have asked his Excellency Lieutenant-General Lord Chelmsford to undertake the duty from the time when the messages now being sent to the Zulus are received by them, and that his Excellency has consented to do so.

As soon as our relations with the Zulus have been fairly established on a peaceful footing, it will of course be desirable to place the duties of Resident in the hands of the officer who may be selected permanently to fill the appointment.

In the meantime it is not merely Lord Chelmsford's position as commanding the forces here which induced me to ask him to undertake the duties whilst military operations are pending. I feel assured that there are few officers in Her Majesty's service who combine so much judgment and temper with the firmness and clearness of perception essential to the discharge of such duties at such a juncture.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State,
&c. &c. &c.

Enclosure 1. in No. 49.

Memorandum for the guidance of the COMMISSIONERS to be appointed to demarcate the future BOUNDARY of the DISPUTED TERRITORY, and to report on the cases of those whose habitations, by the definition of Boundary, will be left in territory foreign to their Nationality.

The Commission should comprise at least one member of the "Rorke's Drift" Commission.

The Landdrost of Utrecht, or someone appointed by him on behalf of the Transvaal Government, one or more indunas appointed by the Zulus, and a practical surveyor to note bearings and distances, and to make a rough sketch survey of the ground traversed.

2. The member who was on the Rorke's Drift Commission should act as President.

3. After assembling, the Demarcation Commissioners will traverse the boundary from the Buffalo River to the main stream of the Pongola, giving time for the surveyor to make a sketch survey of the line traversed, and marking it by suitable beacons, which should be laid down with all practicable accuracy on the sketch survey.

4. In the course of their progress they will inquire whether there are any kraals of Zulus who will, by the demarcation, be left in British territory.

5. They should summon the headmen and principal inhabitants of such kraals before them and give them formal notice, orally and in writing, that henceforward their kraals will be in British territory, and they will themselves be subject to British laws; but that they are, if they so wish, at perfect liberty to remove into Zululand.

In like manner they will call before them any Transvaal or British subjects of European descent or of Zulu origin whose habitations, up to the Zulu encroachments of last year, were on territory which will by the demarcation fall on the Zulu side of the border.

6. The Demarcation Commissioners will ascertain from all such settlers of European origin so appearing, or from their representatives, the following particulars:

1. "The name, age, and nationality of the settler, and the number of his family?
2. "The position and extent of the farm now or lately occupied on the land which will fall by the demarcation to the Zulus, and its estimated value at the time of the Zulu irruption?
3. "Date of first settlement and occupation. Has the settler any written grant, any survey of his farm, or is he aware of any documents on the subject, either in his own possession or elsewhere? Has any purchase money or quitrent been paid for it, and to whom?
4. "Has occupation been continuous and uninterrupted up to the Zulu encroachment of last year?
5. "By what authority and under what circumstances did the settler obtain possession of his land?
6. "What improvements has he since effected, and at what cost in building, planting, or other work on the farm? If he built a house, its character and cost should be specially mentioned.
7. "If the settler quitted his farm, did he do so voluntarily, or in alarm, or was he forcibly expelled?
8. "What loss does the settler estimate he has suffered by expulsion?
9. "How far was this loss caused by direct action of the Zulus, or by other agencies?
10. "Does the settler wish to move now that the area of his farm will be within Zululand limits?

"He will understand that his possessions will be secured to him under guarantee of the British Government; that he cannot be removed except with the sanction of the British Resident; but in other respects he will be subject to the same laws and

customs which prevail in Zululand, but with an appeal always to the British Government through the Resident.

11. "If the settler wishes to move, what is the estimated cost of moving?

12. "What is the total amount of damage, as assessed by the Demarcation Commissioners, arising—

(*a*) either from the action of the Zulu officials?

(*b*) or of the settler himself?

(*c*) or of his future movement?

(*d*) and how would the Demarcation Commissioners divide the sum so estimated, and in what proportions would the damage fall on the three parties concerned, viz.:

The Zulus,

The British Government,

And the settler himself?"

7. Captain Macleod, P.A., Swazi border, has been requested to obtain from European settlers who have left the track referred to, and who are now within his reach, any information which he thinks may tend to abbreviate the labours of the Demarcation Commissioners. They will exercise their own judgment as to calling before them and re-examining any persons whose statements have already been taken down by Captain Macleod.

8. They will, if necessary, warn any deponents that they will be punishable according to law for any wilfully false statements which they may make, either to the Commissioners or to anyone prosecuting inquiries on their behalf.

9. The Demarcation Commissioners, on the completion of their labours, will submit a final report to the High Commissioner, through His Excellency the Lieutenant-Governor of Natal.

Enclosure 2. in No. 49.

SCHEDULE of QUESTIONS regarding EUROPEAN SETTLERS on the TERRITORY in DISPUTE between the TRANSVAAL and ZULULAND.

QUESTIONS.	ANSWERS.
1. "The name, age, and nationality of the settler, and the number of his family?	
2. "The position and extent of the farm now or lately occupied on the land which will fall by the demarcation to the Zulus, and its estimated value at the time of the Zulu irruption?	
3. "Date of first settlement and occupation. Has the settler any written grant, any survey of his farm, or is he aware of any documents on the subject, either in his own possession or elsewhere? Has any purchase-money or quitrent been paid for it, and to whom?	
4. "Has occupation been continuous and uninterrupted up to the Zulu encroachment of last year?	
5. "By what authority and under what circumstances did the settler obtain possession of his land?	
6. "What improvements has he since effected, and at what cost in building, planting, or other work on the farm? If he built a house, its character and cost should be specially mentioned?	
7. "If the settler quitted his farm, did he do so voluntarily, or in alarm, or was he forcibly expelled?	
8. "What loss does the settler estimate he has suffered by expulsion?	
9. "How far was this loss caused by direct action of the Zulus, or by other agencies?	
10. "Does the settler wish to move now that the area of his farm will be within Zululand limits?	
"He will understand that his possessions will be secured to him under guarantee of the British Government; that he cannot be removed except with the sanction of the	

Questions.	Answers.

British Resident; but in other respects he will be subject to the same laws and customs which prevail in Zululand, but with an appeal always to the British Government through the Resident.

11. "If the settler wishes to move, what is the estimated cost of moving?

12. "What is the total amount of damage, as assessed by the Demarcation Commissioners, arising—

(*a*) either from the action of the Zulu officials?

(*b*) or of the settler himself?

(*c*) or of his future movement?

(*d*) and how would the Demarcation Commissioners divide the sum so estimated, and in what proportions would the damage fall on the three parties concerned, viz.:

The Zulus,
The British Government,
And the settler himself?"

Enclosure 3. in No. 49.

Confidential Memorandum for his Excellency the Lieutenant-General Commanding in South Africa.

I enclose printed copies of a memorandum on the appointment of a Resident in Zululand.

It is drawn up on the supposition that Cetywayo may acquiesce in what has been proposed to him upon the subject.

But if he refuses to acquiesce, the necessity for a British Resident will not be materially lessened.

We have reason to hope that a considerable number of the influential Chiefs, with many of the common people, will separate their interests from those of the war party, will accept the unquestioned supremacy of the British Government, and agree to govern their people on the principles of European civilization, instead of according to the practice of Chaka.

Should this expectation be fulfilled, a British Resident will be as necessary as if Cetywayo submits, though the position of the Resident will be different and his powers somewhat greater.

I propose to ask his Excellency the Lieutenant-General Commanding in South Africa to undertake temporarily the duties of Resident as soon as we learn Cetywayo's answer, and I would further ask him to select for himself, and to forward to me for confirmation, the names of officers qualified to undertake the duties of assistants to the Resident till such time as the possible necessity for active military operations in the field shall cease, and a permanent Resident with suitable assistants can be appointed.

There should, I think, be at least one such assistant with each column of his Excellency's forces.

(Signed) H. B. E. Frere,
Pietermaritzburg, 11th December 1878. Governor and High Commissioner.

Enclosure 4. in No. 49.

Memorandum on the Appointment of a Resident in Zululand.

The Resident will exercise a double function, not only as the representative of British interests, but as responsible for explaining the views and wishes of the British Government to the Great Zulu Council. He will exercise in that Council a potential influence in all national questions, and especially with regard to the management of any territory which, having once been effectually claimed by the Transvaal Government and under its flag, will henceforward, by the adjudication of the Boundary Commissioners, be held to be Zulu territory.

2. It is intended that in that district individual rights of property which were obtained under the Transvaal Government shall be respected and maintained, so that any Trans-

vaal farmers who obtained rights from the Government of the Republic, and who may now elect to remain on the territory, may possess, under British guarantee, the same rights they would have possessed had they been grantees holding from the Zulu King, under the guarantee of the Great Zulu Council.

3. The Resident will probably require an assistant, and one of these two officers will have his station in the north of Zululand, probably at some point in the immediate neighbourhood of the Old Hunting Road.

4. For the other station a position will be selected in Zululand near the coast, and probably not far from the Tugela Drift and the south main road into Zululand.

5. In either case the position will be chosen for convenience of living as regards salubrity, and supplies of wood, water, grass, &c., communications with the interior, and, above all, security against ambuscades and sudden attacks, and facility for withdrawing, if necessary, to a more defensible position within the British border.

6. The station, with a suitable *arrondissement* carefully marked out and beaconed to prevent intrusion of unauthorised native habitations for a couple of miles round the Residency, will be declared, and should by legislation receive the position of British territory, trifling offences within which can be disposed of by a cantonment magistrate, serious offences being sent for trial to the High Court in Natal.

7. Provision should be made for a suitable escort, the strength of which will be fixed by the General Commanding.

It should not exceed what is needed to secure the personal safety of the Resident, or his establishment, against a sudden surprise.

8. Shops and other private dwellings of persons connected with the Residency or escort will be suitably placed within the limits of the station, according to instructions which may from time to time be issued by the cantonment magistrate.

9. The Resident will be the medium of all communications between the Zulus and the British Government, and will communicate, as the case may require, with the High Commissioner, the Lieutenant-Governor of Natal, the Administrator of the Transvaal, and other British authorities.

10. His presence, or written authority, will be necessary to all criminal jurisdiction over Europeans for offences committed in Zululand.

11. He will have a power of veto on any order for the expulsion or fining of any person of European descent who has once been allowed to reside in Zululand by the King's license, or by unrevoked and tacit permission of residence for one year.

12. In any criminal trial of a person of European descent, the Resident will either preside himself or sit as assessor to the King, and have a veto on all stages of the proceedings.

13. It will be the Resident's duty to see that the promises made by the King at his coronation are properly observed, and to bring immediately to the notice of the High Commissioner any case in which the King may infringe any of such promises and decline or evade giving immediate redress.

(Signed) H. B. E. Frere,
Governor and High Commissioner.

Pietermaritzburg, 27th November 1878.

Enclosure 5. in No. 49.

Confidential Memorandum for his Excellency the Lieutenant-General Commanding.

I shall be greatly obliged if his Excellency will forward to Colonel Evelyn Wood copies of the enclosed papers on the subject of appointing a British Resident in Zululand, in order that Colonel Wood may be prepared for any political duties with which his Excellency may see fit to entrust him.

2. The only points which appear at the present moment to press for notice are the position of the Transvaal farmers ejected from the disputed territory by the Zulus, and the course to be adopted with regard to Zulu Chiefs who may wish to separate themselves from the war party and to remain at peace with the British Government.

3. His Excellency is aware that the Boundary Commissioners did not ascertain anything regarding either the numbers or the losses of the Transvaal farmers ejected from the disputed territory. His Excellency also knows that it is a part of the plan of the future settlement of Zululand that in the disputed territory all of the former white settlers who wish to remain on the farms occupied by them in the land now declared to be Zululand, shall be permitted to continue there under the protection of the British Resident, and subject to no further payments for their land than they would have paid to the Transvaal Government had the district been assigned to the Transvaal.

4. I will forward to his Excellency a number of printed returns to be filled up, one for each former occupant in the disputed territory, and I will ask Colonel Evelyn Wood to take any opportunity he or Captain MacLeod or Mr. Rudolph may have of meeting with such persons on the border, to obtain from them the requisite information as to their wishes regarding their future place of settlement, and the losses they have hitherto suffered by ejection from their farms.

5. With regard to the other question as to the course to be observed towards Zulu Chiefs who, like Oham and others, may belong to the peace party, may wish to comply with the reasonable demands of the British Government and to separate themselves decidedly from the war party, Colonel Wood may be informed that, if any such Chiefs apply to him pending negociations with Cetywayo, he should carefully explain to the applicant that the great object of the British Government in the demands now made to Cetywayo has been to secure the better observance of the promises he made at his coronation: the cessation of indiscriminate killing, security for a fair trial before a capital sentence is pronounced, and other securities for putting a stop to the atrocities of late years, and for allowing Zulus to live in peace and safety in their own land under their own Chiefs.

6. Above all, it is intended to put an end to the present system of a centralised army under the sole direction of Cetywayo. The present system of regiments and military kraals will be broken up; men will be allowed to marry when and whom they please, according to their own Zulu customs and wishes; no war will be allowed without the consent of the Great Council and the British Resident, and when war is proclaimed each Chief will be summoned with his quota of fighting men, as is now done in Natal.

7. It is no part of our desire to eject from his lands or to depose from his authority any Chief who is willing to abstain from fighting with his neighbours, and to rule his people justly and mercifully as they are said to have been ruled before Chaka's time.

8. In the event of hostilities occurring with Cetywayo, if any such Chief desires to separate himself from the war party and to submit to the British Government, he should communicate without delay with the nearest British Commandant, and obey implicitly whatever instructions he may receive, either for giving active assistance, or for sitting still, or for moving himself and his tribe to any position which may be assigned to him by the officer commanding British troops.

(Signed) H. B. E. Frere,
12th December 1878. Governor and High Commissioner.

No. 50.

COLONIAL OFFICE to Mr. J. WALKER.

Sir, Downing Street, January 23, 1879.

With reference to your letter of the 23rd November, and to the reply from this office of the 28th of that month,* in which you were informed that a copy of your letter would be forwarded to the Governor of the Cape Colony for his report upon the statements contained in it respecting your son's position as a member of the Cape Frontier Armed and Mounted Police Force, I am directed by the Secretary of State for the Colonies to transmit to you, for your information, a copy of a Despatch on the subject which has now been received from Mr. Gordon Sprigg, the Colonial Secretary, in the absence of Sir Bartle Frere.†

I have, &c.
Mr. John Walker. (Signed) ROBERT G. W. HERBERT.

No. 51.

The Right Hon. Sir MICHAEL HICKS BEACH, Bart., to Governor the Right Hon. Sir H. B. E. FRERE, Bart., G.C.B., G.C.S.I.

Sir, Downing Street, January 23, 1879.

I have the honour to acknowledge the receipt of your Despatches of the numbers and dates noted in the margin,‡ giving further details and explanations in connexion with the action which has been decided upon in relation to the Zulus.

2. I have now before me the full statement of the demands with which Cetywayo has been called upon to comply, together with your own descriptions of the situation with which you have had to deal, as well as other very important Memoranda by Sir H. Bulwer, Sir T. Shepstone, and Mr. Brownlee.

* Nos. 3 and 4. † No. 39. ‡ Nov. 8, Dec. 2, Dec. 7, Dec. 9, Dec. 12; Nos. 7, 9, 38, 42, 43, 46.

3. There are in addition to these documents many others which are very voluminious, but the perusal of which is necessary to a complete understanding of your position, and of the conclusion at which you have arrived. It has of course been impossible for Her Majesty's Government as yet to examine the whole of the case as it is now placed before them; but I may observe that the communications which had previously been received from you had not entirely prepared them for the course which you have deemed it necessary to take.

4. The representations made by Lord Chelmsford and yourself last autumn as to the urgent need of strengthening Her Majesty's forces in South Africa were based upon the imminent danger of an invasion of Natal by the Zulus, and the inadequate means at that time at your disposal for meeting it. In order to afford protection to the lives and property of the colonists, the reinforcements asked for were supplied, and in informing you of the decision of Her Majesty's Government, I took the opportunity of impressing upon you the importance of using every effort to avoid war. But the terms which you have dictated to the Zulu King, however necessary to relieve the Colony in future from an impending and increasing danger, are evidently such as he may not improbably refuse, even at the risk of war; and I regret that the necessity for immediate action should have appeared to you so imperative as to preclude you from incurring the delay which would have been involved in consulting Her Majesty's Government upon a subject of so much importance as the terms which Cetywayo should be required to accept before those terms were actually presented to the Zulu King.

5. In making these observations, however, I do not desire to question the propriety of the policy which you have adopted in the face of a difficult and complicated condition of affairs. Having devoted yourself since your arrival in Natal with untiring care and industry to the examination of the subject, with the advantage (which can only be possessed by those on the spot) of being able to estimate the immediate effect of such changes in the attitude and impulses of a savage ruler as must be constantly occurring, you have formed a strong opinion, in support of which you adduce powerful arguments as to the necessity of the course which you have taken for the safety, or even the continued existence, of the European community in South Africa. Your own judgment and experience, coupled with the valuable advice which Lord Chelmsford has been able to give you upon the military aspects of the case, would justify Her Majesty's Government in placing great reliance upon your conclusion, and I notice with satisfaction that you have throughout determined to assure yourself that you have fully understood the views of Sir H. Bulwer and Sir T. Shepstone, and are convinced that they are substantially in accordance with your own. I sincerely trust that the policy you have adopted may be as successful as the very careful consideration which you have given to it deserves, and that, if military operations should become necessary, the arrangements which you have reported may secure that they should be brought to an early and decisive termination, with the result of finally relieving Her Majesty's subjects in Natal and the Transvaal from the danger to which they are exposed.

I have, &c.
(Signed) M. E. HICKS BEACH.

Governor Sir Bartle Frere, Bart., &c. &c. &c.

No. 52.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Jan. 25, 1879.)

High Commissioner's Office, Maritzburg, Natal,
December 12, 1878.

SIR,

IN continuation of former correspondence relating to the late disturbances in Griqualand West, I have the honour to forward for your information a copy of another Despatch which I have received from his Excellency Colonel Lanyon on the subject.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State, &c. &c. &c.

Enclosure in No. 52.

SIR

Kimberley, November 26, 1878.

IN continuation of my Despatch No. 73 of the 19th instant, on the subject of the causes of the war in and about this Province, I have now the honour to forward two further enclosures bearing upon this matter.

2. The first of these is an extract from a letter written to me on the 20th September by Mr. H. F. Burton, the Civil Commissioner of Hope Town, which he has allowed me to quote. Mr. Burton has been for 30 years holding responsible positions in the Cape service, and for the last 10 years Civil Commissioner and Resident Magistrate of the district which borders on our frontier. This testimony therefore in support of what I have brought forward in my former Despatch must carry weight.

3. The second enclosure is a report of an interview which lately took place in Griqualand East between Mr. Ayliff, the Secretary for Native Affairs, and the Griquas and other inhabitants of that country. This report serves to show that the Griquas living under Cape rule are as much unsettled as those of this Province. The land question there is still unsettled, whilst here every one who had a claim for land has been provided for in grants varying in size from 3,000 morgen (6,320 acres) up to, in some instances, 20,000 morgen, and provision has been made for all who have not received farms on locations, and erven., *i.e.*, small land allotments.

I have, &c.

Governor Sir Bartle Frere, Bart., &c. &c. &c.

(Signed) W. Owen Lanyon.

Sub-enclosure 1. in Enclosure No. 52.

Extract from Letter from Mr. H. F. Burton, to Lieutenant-Colonel Lanyon, C.M.G., dated 20th September 1878.

I can well understand how severely these disturbances have taxed the energies of all concerned in Griqualand, from yourself as head, to the humblest official in the service.

But I heartily congratulate you on the success that has followed; much has been accomplished, not only for the peace and welfare of your Province, but indirectly for the good of this division too, by the gallantry and endurance of all kinds of hardships which have distinguished the volunteer forces of Griqualand West under your command; for indeed I consider that at one time Hope Town Division was in imminent danger, and that we have every reason to be grateful to yourself and Colonel Warren for saving us, as I believe you did to a great extent, from that peril. In this way, the timely arrival of the Diamond Field Horse at Hope Town early in June exercised a salutary influence upon the minds of the natives.

The blow struck at Withnis (only about 10 miles from "De Hack" which is a farm on my border) by Colonel Warren, and the sustained operations lower down the river by the forces under your command, created in my opinion a diversion in our favour which, combined with the protection afforded by the presence and exertions on my border of the Hope Town Volunteer Patrol, organised by myself under authority, saved my division from the calamity of an incursion by the enemy and the dreadful consequences of savage warfare.

A volunteer foot patrol in Hope Town did duty for about six week in a severe winter, and guarded the town itself and the powder magazine. This was done by the Municipality and was I think an excellent measure.

Sub-enclosure 2. in Enclosure in No. 52.

Extract from "Cape Argus," November 16, 1878.

Griqualand East.

The following account from Kokstadt has been supplied to the "Natal Mercury." We do not remember having seen the official minutes of this important meeting. In every other instance throughout Mr. Ayliff's progress they have been published in the "Journal."

Mr. Ayliff, Mr. Brownlee, and suite arrived here on Friday afternoon. They gave a sort of reception to-day, first to the Griquas, then to the Kafirs, and lastly to the Europeans. The Secretary for Native Affairs, who occupied the chair, addressed the Griquas to the effect that he had come, not as a commissioner to redress or hear individual grievances, but to see with his own eyes and judge of the state of the country, and he could assure the people that Government were anxious to help them to fulfil all its promises to them, improve the state of the country, and promote a better state of feeling than had hitherto prevailed.

Apollos Bloem first stood up and said there was great dissatisfaction in land matters.

Adam (Ita) Kok, father of Adam Muis, rose and said that he would begin from his grandfather's days and trace out where the grievances between the Griquas and Govern-

ment had arisen, but Mr. Ayliff explained that his time was limited, so that the old gentleman, being promised an interview later in the week, confined himself to a diatribe upon Captain Blyth's coming here, and asking who was really the cause of that gentleman's coming in the fiery way in which he made his appearance, and said that was the cause of all the distrust and troubles later.

Moos Pretorius said the way in which the Land Commission had behaved in cutting off claims was also a grievance. They disputed the age of youths on account of their diminutive size, although he explained to them that that was entirely owing to their being brought up on mealies, which had a retarding influence on physical development.

Joseph Kleinhaus, an old Cape Corps man (who has sold two farms, one of which was a grant, and the other bought for 30*l.* and sold for 200*l.*, the proceeds of both of which, unfortunately, had gone down his capacious swallow) said he thanked Providence that he could see the government in a fair way of being settled. He was also glad that the prerogative of free speech was before him again, as Captain Blyth would only hear him when he was in the humour.

Gert Bezuidenhout, the elder, said that the people were never told, upon their coming, that they were British subjects; that they objected to the way in which they were taken over; they did not understand English laws and ordinances; the 300*l.* a year promised by the Imperial Government as compensation for farms in the Free State taken away at the treaty, and which was to have been paid in perpetuity, had been discontinued since Kaptyn Adam Kok's death, and he explained the reasons of the granting of this annuity, &c., &c., tracing back to Sir Harry Smith's time. He was stopped, and Mr. Ayliff explained that Mr. Solomon, of Cape Town, had always produced Kaptyn Kok's receipt for the money to the Treasury; that since the Kaptyn's death there was no legitimate way of getting a receipt, but it was not to say that some time probably it would not be again paid.

Wenzel Heemro said: At the public meeting at Philippolis an old Griqua named Labbe had asked Adam Kok if he, too, would get land if he got to Nomansland? Adam Kok replied, "Yes, everybody who goes there will get it, poor or rich." He also said, "It was promised the Griquas, on the laying out of the town of Kokstadt, that whoever "worked at the water furrow should have an erf; that the land was to be given away, "not sold, and now that any who had not applied at the time had to buy the erf, instead "of getting it for nothing, as promised."

Jan Bergover said he had no objection to stand under the Government, but the young men and children were very dissatisfied with the land grants. It was suggested to give them now less than 300 acres each, and no one could make a living on small pieces of land. He begged to endorse Messrs. Pretorius and Heemro's views; he thought if they satisfied all the claims the young men would be quieter.

Adonis Jaman (Jack Ketch under the late dispensation) complained of a Kafir who was threatening his life. He was told this was a personal matter, and of no public interest, so he sat down.

Mr. David Marais said he had told Captain Blyth when he came here that they were not cattle or wild animals, to be taken over in the rough manner in which they had been; neither were they savages, that they should be defrauded of what they had been promised; they should be much better treated under the Government than they had been under their own, and they should be indemnified for their losses, and for the promises which had not been fulfilled. He could tell the Government that there was one boil which had burst, but the swelling now going on, and which was, and would continue, rising, unless all the promises made them were fulfilled, would one day burst, and the first had been nothing to what the second would be.

Mr. Ayliff asked this pleasant gentleman for an explanation, which he kindly rendered in about the same terms.

Jan Du Pre said he complained that he and his eight sons had but one piece of land amongst them, but he had confidence that the Government would redress it, otherwise he would have to leave the country. He had been British since he knew his right hand from his left, and had fought on their side as a soldier, not for pay, but because he thought it his duty.

Mr. Ayliff, in replying, said that he was sure Government would do its best to remedy their grievances; that it was difficult to know exactly who had worked at the furrow, and how long he had worked, and to base an erf claim upon a thing like that, he thought would give a lot of trouble, so that they had best let that matter rest. The land claims, if it had not been for the war on the frontier, would have been attended to ere this. As it was he could say that he knew that the present ministry would fulfil the promises made by the last ministry, and every well-founded grievance would have redress as soon as it was properly represented and properly understood.

No. 53.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Jan. 25, 1879.)

High Commissioner's Office, Maritzburg, Natal,
December 13, 1878.

SIR,

IN continuation of my Despatches on the subject of our future relations with the Zulus, I have the honour to forward copies of the two messages from his Excellency the Lieutenant-Governor of Natal which were delivered to the Zulu envoys deputed by Cetywayo to receive them on the 11th inst., by Mr. John Shepstone, Secretary for Native Affairs, Natal, the Hon. Charles Brownlee, Resident Commissioner for Native Affairs, Cape Colony, Mr. H. F. Fynn, Resident Magistrate, Umsinga Division, and Colonel Forestier Walker, Her Majesty's Scots Guards, lately acting as my military secretary. There were also present Colonel Pearson, commanding on the Lower Tugela, the Hon. Mr. William Littleton my private secretary, the Hon. Mr. Hugh Elliott, Commander Campbell, R.N., H.M.'s ship "Active," commanding Naval Brigade, and other gentlemen.

2. I have as yet received no official report of the meeting, but the enclosed extracts from demi-official letters from Mr. Brownlee and Mr. Littleton give an outline of the proceedings, and show that the messages were carefully delivered, well explained, and thoroughly understood, copies of the English text with Zulu translations being given to the Zulu envoys.

Mr. Shepstone describes the envoys as mostly old men of respectable rank and position, and belonging apparently to the conservative or peace party. He knew some of them personally, but did not elicit from them, or from Mr. John Dunn, any indication of the manner in which the message will be received by the King, or by his people.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State,
&c. &c. &c.

Enclosure 1. in No. 53.

The AWARD of HIS EXCELLENCY HER MAJESTY'S HIGH COMMISSIONER in the matter of the Boundary in dispute between the Tranvaal Government and the Zulus; together with the terms demanded by the High Commissioner in respect of the offences committed by certain Zulu subjects against the British Government, and the conditions laid down for securing the better government of the Zulu country, and for regulating the future relations between the Zulus and the British Government.

The following is the official text of the communications formally made by his Excellency the Lieutenant-Governor of Natal, in the name and on behalf of Her Majesty's High Commissioner, to the Zulu King and nation, and delivered to the Zulu representatives at the Lower Tugela Drift on the 11th December 1878:—

Message (No. 1) from his Excellency the Lieutenant-Governor of Natal to Cetywayo, King of the Zulus, and the Chief Men of the Zulu Nation.

The Zulu King and nation will remember that some months ago the Lieutenant-Governor of Natal, at the request of the King, and with the concurrence of the Government of the Transvaal, and the sanction of the Queen's High Commissioner, appointed Commissioners to inquire into the long-standing boundary dispute between the Transvaal and the Zulus.

The Commission met at Rork's Drift, and there were present, during the inquiry, representatives or delegates, both on the part of the Transvaal Government and on the part of the Zulu King and nation.

The Commissioners having held their inquiry, and having received and heard the evidence and the witnesses on both sides, and all that was brought forward in evidence and said on the question by, and on the part of, both sides, closed the inquiry, and returned to Pietermaritzburg, where they drew up a report on the matters brought before them. This report, together with a record of the evidence that had been pre-

sented and of the proceedings, was, as the Zulu King has been informed, forwarded by the Lieutenant-Governor of Natal to his Excellency the High Commissioner at Cape Town. The Lieutenant-Governor duly informed Cetywayo of this, and he has since informed him of the arrival of the High Commissioner in Natal, and that the question of the disputed boundary was under his consideration, and that as soon as his Excellency's decision was known it would be communicated to the Zulu King and nation.

A few days since, Umlunge and Umlamula, messengers of this Government, and, subsequently, Kilane and Swaimana, were despatched to the Zulu King, to inform him that the High Commissioner's decision had been given, and that the Lieutenant-Governor would send fit and proper persons to communicate it to the Zulu King and nation through representatives to be appointed by the King and nation; and the Lieutenant-Governor named the Lower Tugela Drift, which is on the border of the two countries, as the place of meeting for the purpose; and, as a time for meeting, the Lieutenant-Governor named a date of 20 days from the despatch of the first message by the messengers Umlunge and Umlamula, should that date suit, as was anticipated, the convenience of the King for despatching the Zulu representatives to receive the words of the award.

The Lieutenant-Governor now entrusts with this message, and with the charge of delivering the award of the High Commissioner, and of giving such explanations regarding it as may be necessary, the following officers, namely: the Honourable John Wesley Shepstone, Secretary for Native Affairs, Natal; the Honourable Charles Brownleee Resident Commissioner for Native Affairs, Cape Colony, at present attached to the Staff of the High Commissioner; Mr. Henry Francis Fynn, Resident Magistrate Umsinga Division, Natal; and Colonel Forestier Walker, of Her Majesty's Scots Guards, lately attached to the Staff of the High Commissioner; who, with a suitable attendance and escort, will proceed to the Lower Tugela Drift, and will there, after placing themselves in communication with the representatives of the Zulu King and nation, deliver to them, and to all whom it may concern, for due delivery to the King and the councillors and chief men of the Zulu nation and to all the Zulu nation, the award of his Excellency the High Commissioner in respect of the boundary matters in dispute between the Transvaal and the Zulus, that all may hear and know what the award is, and may abide by the terms of it.

This, then, is the award of the High Commissioner in the matters in dispute.

The line as defined by the Boundary Commissioners who held the inquiry at Rorke's Drift shall be fixed as the boundary henceforth between the Transvaal and Zululand in the territory lying between the Buffalo and Pongolo Rivers. The said line of boundary shall be from the junction of the Buffalo and Blood Rivers along the latter, or Blood River, to its main source in the range of mountains known as the Magidela Mountains, and, thence, direct to the round hill between the two main sources of the Pongolo River in the Drakensburg.

This boundary shall be marked out, beaconed off, and surveyed without delay.

The Natal Government will appoint a Commissioner or Commissioners to superintend the execution of this part of the award, that is to say, the marking out, and beaconing off, and survey of the said boundary line; and the Transvaal will appoint a Commissioner or Commissioners, and the Zulu King will appoint a Commissioner or Commissioners, who will accompany the Natal Commissioner or Commissioners.

These Commissioners, namely, the Natal, Transvaal, and Zuln Commissioners, will further be charged with the duty of ascertaining what Zulus, if any, there are on the Transvaal side of the future boundary, and what Europeans residents, if any, or Zulus there are on the Zulu side of the boundary, who wish to leave the lands now occupied by them, and to remove to the opposite side of the border, or elsewhere.

These Commissioners will report also the amount of compensation which they think may fairly be given to anyone so wishing to transfer his residence on account of the alteration of the boundary.

Such transfer of residence will be optional, but those who do not wish to move will remain subject to the laws of that State within which they will reside.

The Commissioners will further inquire and report whether any, and what, Transvaal settlers, or other settlers of European descent, have been ejected from their holdings in the disputed territory during the last two years by any action of the Zulus.

The Commissioners will make injuiry and report how long such settlers had been on the land from which they were ejected; by what authority, and under what circumstances they occupied their land; whether they voluntarily quitted their farms, or were forcibly

expelled; what loss they suffered in consequence, and whether such loss was caused directly by the action of the Zulus, or indirectly as a consequence of ejectment; and what amount of compensation the Commissioners think due for any losses which were the direct consequences of forcible ejectment.

The payment of compensation in all these cases will be a matter for future arrangement between the Zulus and the English Government, the Zulus being responsible for damages consequent on the forcible ejection from their homesteads of any settlers who had *bonâ fide* occupied farms in the disputed territory.

The two roads across the disputed territory between the Blood River and the Pongolo—the one known as the "Old Hunting Road," and the other being the road from Utrecht to Luneburg—being, both of them, old trading roads, shall not be interfered with or interrupted; but free transit along them shall at all times be allowed by the Zulus, as has hitherto been allowed by the Transvaal Government, to traders and travellers of all descriptions.

The Zulu King shall not attempt to exercise any rights of sovereignty on the other, or north, side of the River Pongolo from its source to where the river enters the Lembombo Mountains.

If the Zulu King has, or considers he has, any claims in connexion with territory north of the Pongolo, he will refer those claims to the English Government.

This decision is the decision of his Excellency the High Commissioner, the Chief Representative of the Queen in South Africa, and is communicated to the Zulu King and nation by the Lieutenant-Governor of Natal in the name of the High Commissioner.

The Zulu King is hereby requested and required to take care that the provisions of this decision are duly observed. The Zulu boundary is clearly laid down by this decision, so that none may say hereafter that they do not know what is the boundary. It is clearly laid down, so that it may be known to all men; and all Zulu subjects must henceforth be careful not to commit any acts of aggression or violence beyond the Zulu boundary, for, after this decision, any such act will be regarded by the English Government as an act of hostility, and the Zulu King will be held answerable for any such act.

These are the words of the High Commissioner which the Lieutenant-Governor of Natal sends, in the name of the High Commissioner, to the Zulu King and nation, that all may hear them, and know and fully understand what has been decided.

(Signed) Henry Bulwer,
Lieutenant-Governor.

Enclosure 2. in No. 53.

Message (No. II.) from His Excellency the Lieutenant-Governor of Natal to Cetywayo, King of the Zulus, and the Chief Men of the Zulu Nation.

The Lieutenant-Governor of Natal sends, in the name of the Queen's High Commissioner, these further words to the Zulu King and nation.

These are the the words of the High Commissioner, and they are sent by the Lieutenant-Governor through the same officers who delivered the words of the award in respect of the disputed boundary question, namely:—The Hon. John Wesley Shepstone, Secretary for Native Affairs, Natal; the Hon. Charles Brownlee, Resident Commissioner for Native Affairs in the Cape Colony, at present attached to the Staff of the High Commissioner; Mr. Henry Francis Fynn, Resident Magistrate, Umsinga Division, Natal; and Colonel Forestier Walker, of Her Majesty's Scots Guards, lately attached to the Staff of the High Commissioner; to be delivered by them to the Zulu representatives, that they may be duly communicated to the King and the Council and people of the Zulu nation.

The King and nation will recognise in the award that has just been given in the matter of the disputed boundary, the determination of the British Government to give effect to the words that have been spoken at different times by its representatives in this country regarding this matter.

The dispute respecting the boundary was one that had existed for many years. It was a question between the Government of the Transvaal Republic and the Zulu nation. The latter made many and frequent representations to the Natal Government on the subject. The Government of Natal was always anxious that the dispute should be settled by peaceful means, and always counselled the Zulu King accordingly. It considered that the dispute might be, and could be, settled properly and satisfactorily by means of an impartial inquiry; and was always ready to use its good offices for that

purpose. The opportunity for so doing, however, did not occur. The years passed without any settlement of the question; and, at length, last year, the Transvaal Territory came under British rule. Now, when that took place, the Zulu King, if he trusted the British Government, had every reason to believe that whatever rights the Zulus might have in the disputed territory, would be investigated and accorded to them. But, without waiting, the King sent armed Zulus into the disputed country, and by threats obliged the European settlers in it to leave their homes. This proceeding on the part of the Zulu King might well have been resented by the English Government; but, having regard to the promises and words of its representatives in times past, and desirous to avoid all appearance of prejudging a long-standing question in which its own interests had become involved, it withheld its hand, in order that the inquiry so long spoken of might be held.

The inquiry was instituted by the Government of Natal, and was held by trusty persons appointed by the Lieutenant-Governor of Natal. It was held in the presence of representatives both of the Transvaal Government and the Zulu King and nation, and all that was said and put forward in support of these claims by both parties was heard and considered.

It is clear from the inquiry that some negotiations took place between Cetywayo and the Boers in 1861. Cetywayo's right of succession to the late King Panda was then very uncertain. Two other sons of Panda were in the hands of the Boers; and the evidence goes to show that certain promises to cede land were made by Cetywayo, partly in order to obtain the surrender of these two sons of Panda, and partly in consideration of presents of cattle.

What was the extent and character of the promises made by Cetyweyo has been since disputed, but promises of some sort there undoubtedly were. Certain land also was beaconed off. But no recognition or confirmation of the cessions said to have been promised by Cetywayo appears ever to have been given by the King Panda or by the Great Council of the Zulus; and, accordingly, the Commissioners who inquired into the dispute, after careful deliberation, recorded their finding against any authoritative or sufficient cession of that land having been made by the King or nation. This decision has been accepted by the High Commissioner; and the award of the High Commissioner has now been communicated to the Zulu King and nation. This award assigns as belonging to the Zulu nation, and as subject to the Zulu King, a great portion of the disputed land claimed by the King, which land lies between the Buffalo and Pongolo Rivers.

But, whilst the British Government in this way gives up to the Zulu King and nation land which is thought by the Commissioners to be by strict right belonging to the Zulus, and whilst the British Government has, and will always have, a due regard for Zulu rights and interests, it, at the same time, will strictly require all that is due to its own honour and to the just rights and interests of the Queen's subjects.

It has already been intimated, in connexion with the award, which was an award regarding the territory lying on this, or the south, side of the Pongolo River, that on the other, or north, side of that river the Zulu King must not, as he has of late appeared inclined to do, attempt to take any action in respect of that territory as if he had any right or jurisdiction there; but that, if the King has, or thinks he has, any claims of any nature in that direction, he must state them to the British Government, by whom they will be duly considered.

The High Commissioner has had under his consideration the proceedings connected with the outrage that was committed some months ago in Natal territory by Zulu subjects, the sons, relatives, and people of Zulu Chief Sirayo. This has been a grievous and gross outrage committed on British territory. Mehlokazulu, Inkumbikazulu, and Tyekwana, sons of Sirayo, and Zuluhlenga, a brother of Sirayo, with a large number of armed attendants, crossed the Buffalo River into Natal territory in two parties, and by force and violence took out of Natal territory two Zulu women. Having taken these women back into the Zulu country, they there, as is reported, killed them.

The Lieutenant-Governor of Natal, when he heard of these occurrences, sent messages, one on the 1st and another on the 16th of August, to the King, stating what had occurred, and requesting that the sons and relatives of Sirayo, the ringleaders of the outrages, should be given up to the Natal Government for punishment for the offences committed by them in Natal Territory. Cetywayo, in reply, admitted that Sirayo's people had done wrong; but he has endeavoured to make light of the offence, and he has not given up the men as desired. Instead of doing this, the King sent 50*l*., which he wished the Natal Government to accept as a fine in lieu of the punishment of Sirayo's people. The money was not accepted, and the King was told that such a fine would

be no punishment for those who were guilty of the offence, and no reparation for the outrage. The King said, however, that he would lay the matter and the demand of the Lieutenant-Governor before his Great Council; but many weeks have passed, and no further intimation has been received by the Natal Government to show that the King has laid the matter before the Council, or what the result of the deliberations of the Council has been.

Her Majesty's High Commissioner has now, therefore, to require that the Zulu King will forthwith send in to the Natal Government, for trial under the laws of the Colony, for the offence committed by them in the Colony, the persons of Mehlokazulu, Inkumbikazulu, and Tyekwana, the sons of Sirayo, and also Zuluhlenga, the brother of Sirayo. Cetywayo having stated that Bekazulu, one of the sons of Sirayo, was wrongly accused, as he was not one of the party who came into Natal territory, but was at Umhlan-den-Hlovu with the King at the time, he is accordingly exempted from this demand; but the others now demanded must be sent in and delivered over to the Natal authorities within 20 days from the date that this demand is made. The Zulu King is required, in addition, to pay to the British Government a fine of 500 head of cattle for the outrage and for his delay in complying with the request of the Natal Government. These cattle must also be sent in within the period above named.

There has also been another offence committed by Zulu subjects, on the persons of British subjects at the Middle Drift on the Tugela River below Fort Buckingham. These two British subjects, Messieurs Smith and Deighton, were, whilst at or near the Drift, in the month of September last, surrounded by a party of 15 Zulus, who, armed with guns and assegais, in an excited state, took hold of the two white men and made them sit down, demanding what they were doing there, as the ground belonged to Cetywayo. Gradually the Zulus became more quite, and, after detaining the two white men for an hour and a half, or thereabouts, they allowed them to go. This interference with and treatment of two British subjects was an interference and treatment which were unwarrantable. It was an offence against the persons of two British subjects which cannot be passed over without notice, and, as a punishment for the offence and a warning against the commission of similar offences in future, the High Commissioner requires that a fine of 100 head of cattle shall be paid to the British Government. This fine also must be paid within the period of 20 days from the date of this communication being made.

The two cases referred to have been cases of offence—one of them of a most serious and outrageous nature—committed by individual Zulu subjects in British territory, or against the persons of British subjects, for which it has been necessary to demand that reparation shall be made in the manner above stated.

There is also the case of Umbelini, a Swazi refugee living in the Zulu country, who is charged with having recently made a murderous raid into the country north of the Pongolo, which is claimed as British territory by the Transvaal Government. It will be necessary for the offenders in this case to be given up to be tried by the Transvaal Courts for the offence of which they are accused; and a further communication will be made to Cetywayo when the Transvaal Government has stated who, besides Umbelini, must be given up to be tried.

But, beyond these matters, which relate to certain offences committed by certain Zulu subjects against the British Government, the attention of Her Majesty's High Commissioner has, of necessity, been given to the state of government and the state of affairs in the Zulu country, as affecting both the condition of the Zulu people, and the peace and safety of the Queen's Dominions lying adjacent to Zululand, and of other tribes and peoples, the allies or friendly neighbours of the British Government.

In the time of the late King Panda the relations between the English and the Zulus had always been of a friendly nature. The English Government in Natal and the Zulus were near neighbours, and all the Zulu nation can bear witness that the English Government never did anything unfriendly, or showed itself in any way otherwise than most friendly and well-disposed towards the Zulus. Panda, as it is well known, was established in the Zulu Chieftainship by the Dutch emigrant farmers, who defeated the Zulu King Dingaan. It was after this that the English came into Natal, and estalished relations with Panda and the Zulu nation.

Panda's reign was a more peaceful one than those of his predecessors, and his rule was milder and more tolerant. He encouraged trade. He allowed Christian Missionaries to settle in the land, and set aside stations for them, and gave them land; and there was good promise of an improvement in the condition of the Zulu people.

Unhappily, during the latter part of his reign, and when he became old, trouble came upon the land in consequence of the disputes between Cetywayo and his brothers as to who should be the successor of the King.

Panda had always behaved in a loyal and friendly manner to the British Government, and when, on account of the continued excitement and uneasiness in the Zulu country, he asked the Government in Natal to interfere, the Government sent Mr. Shepstone, the then Secretary for Native Affairs, to recommend Panda to nominate a successor, and so remove the uncertainty on that point, and the cause of dispute among the brothers. The result was the nomination of the house of Cetywayo, which, settling the question of succession, gave quiet again to the Zulu country.

After the death of Panda, the sons of the late King and the headmen of the Zulu nation assembled and sent messengers to the Governor of Natal, saying that the nation found itself wandering because of the death of its King. There was no King, they said, and the messengers brought from the nation four oxen, representing the "Head of the King," to the Government of Natal. They further asked that Mr. Shepstone, who had been present at the nomination of Cetywayo, might go and establish what was wanted, and, at the same time, breathe the spirit by which the nation should be governed. They said, moreover, it was the will of the nation that the new King should be the son of the British Government.

The Government of Natal had no wish to mix itself up with these arrangements of the Zulu people; but eventually it consented, and sent Mr. Shepstone to take part in the installation. It was the wish of Cetywayo that this should be done; it was the wish of the whole Zulu nation. In consenting to this, the British Government had no selfish object of any kind. It did not seek to obtain a single foot of land for itself, nor any advantage, nor any privilege whatsoever. It wanted nothing for itself, and it demanded nothing for itself. Its only motive in complying with the wish of the Zulu nation, and in taking part in the coronation of the new King, was that in doing so, it might help to assure the peace of the Zulu country, and promote in some degree, the welfare of the Zulu people.

In taking part, therefore, the only conditions it made were in favour of the good government of the people. At a formal meeting, held previous to the installation, between Mr. Shepstone and Cetywayo and the headmen of the Zulu nation, several matters were discussed, chief among which were certain regulations or laws for the better Government of the Zulu people which were to be proclaimed on the occasion of the installation. Subsequently, on the day of the installation, those laws were formally proclaimed by Mr. Shepstone.

It was proclaimed,—

(1.) That the indiscriminate shedding of blood should cease in the land.

(2.) That no Zulu should be condemned without open trial and the public examination of witnesses, for and against, and that he should have a right of appeal to the King.

(3.) That no Zulu's life should be taken without the previous knowledge and consent of the King, after such trial had taken place, and the right of appeal had been allowed to be exercised.

(4.) That for minor crimes, the loss of property, all or a portion, should be substituted for the punishment of death.

Now these laws were formally proclaimed by Mr. Shepstone, who represented the British Government in Natal, and proclaimed with the formal assent of Cetywayo, of the chief men of the nation, and of the nation there assembled. It was not done as a mere idle ceremony, or form, without any meaning or intention. It was not done in secret, but in public. It was not done in the dark, but in the open day. It was not done in a solitude, but at the Royal Kraal, in the presence and hearing of the King, the Chiefs, and the assembled people. They were laws for the good government of the Zulu people. The subject of them had been carefully and deliberately discussed beforehand between the British representatives and Cetywayo and his councillors, and agreed upon; and then, afterwards, in the hearing and presence of the people, the laws had been solemnly affirmed.

These laws for the well-being of the Zulu people were the conditions required by the British Government in return for the countenance and support given by it to the new Zulu King by the presence of its representative, and by his taking part in the King's coronation; and once spoken as they were, they cannot be broken without compromising the dignity, the good faith, and the honour of the British Government.

The British Government now asks—How has it been in this matter? Have the promises then made been kept? Have the laws which were then proclaimed been observed? Let the Zulu King answer! Let the chief men of the nation answer! Let the whole Zulu people answer!

There is but one answer. The King and people know very well that the promises have not been kept. They know that these laws have not been observed, but that they have been broken time after time, and that they are almost daily broken in the Zulu country. They know very well that the lives of hundreds of Zulu people—men and women, old and young—have been taken since that day without any trial at all, that the indiscriminate shedding of blood has not ceased, but that the killing of Zulu people has gone on as if no promise had ever been made and no law ever proclaimed.

Hence it is that all Zulus live in fear to lose their lives on any day. No man knows when he may be suddenly set upon and killed, and all belonging to him destroyed or taken away.

How can these things be? Were the words which were spoken at the coronation mere empty words, meaning nothing? The Zulu King knows that it is not so, and that it cannot be so. The British Government in Natal did not want, it did not ask, to take any part in the installation of Panda's successor. It wished well to the Zulu country and to the Zulu people, but, for itself, it wished for nothing, and it asked for nothing. It was Cetywayo himself, it was the Zulu nation assembled together, that sent to the Government to ask it to take part. Even then the Government did not desire to take part in what was being done; but it consented to do so, asking nothing for itself, but asking certain conditions for the good of the Zulu people.

The conditions which it asked were conditions for the protection of the lives of the Zulu people; that they might not be condemned and slain without trial, without knowing what their offence was, without cause, and without chance of justice. These were the conditions made; these were the promises given by the King; these were the laws proclaimed.

The British Government cannot, then, allow that the words which were once spoken on its part should be empty words, or that the promises which were made to it, and for which it became the mouthpiece and the guarantee to the whole Zulu nation, should be treated as if they were mere idleness and empty sound. But for five years they have been so treated, and now it can be no longer so.

The promises have not been kept, and how is it possible they can be kept so long as the present system of government is maintained by the King?

The present system of government is destroying the country. All the young men, all the able-bodied men of the country, are taken as soldiers. They are taken from their homes at an age when they are becoming useful to their parents, and are kept for several years in the compulsory service of the King. They are not allowed to marry, as the men of other tribes around them, as in Natal, as among the Amaswazi, as among the Amaponda. They cannot marry when they desire to do so, but they must await the permission of the King, and they are kept often for years without the permission to do so. They are not allowed to labour for themselves, or to plant, or to reap, or to live in quiet and in peace with their families and relatives. They are constantly summoned up to the King's kraals, as if for war, although there is no enemy to fight with; and thus they come to fight amongst themselves, and blood is shed, and there is distress and mourning in the land; or they are sent out in parties to surround the kraals of those who have given offence to the King, or who are accused by private enemies, and who then, without trial and without a word, are killed, their kraals laid desolate, and their families and all they have carried off or destroyed.

Thus the army is made an instrument, not for the defence of the country, but for the oppression of the people. All the best interests of the Zulu country and the happiness of the Zulu people are sacrificed in order that the King may keep up this large army. For what purpose is this army kept up? Is there an enemy? Where is the enemy? Cetywayo knows very well that there is no enemy, and that there is no occasion for this large army. In the days of Chaka or of Dingaan it might be different, but now on all sides of the Zulu country is the territory of the British Government, or of its allies and friendly neighbours. The King knows very well that the British Government is a peaceful and friendly power, that it wishes well to the Zulu people, and that it wishes them to live in peace and comfort. The King knows this well, for did not his father live to become an old man under the shelter of the British Government, and has not Cetywayo himself grown up to manhood under the eye of the English?

With regard to the neighbouring native tribes, the Basutos, the Amaponda, the Amaswazi, and others, they are either the subjects, or the allies, or neighbours of the

British Government, and the Zulu King knows that he has nothing to fear from them. They are, besides, peaceful people, and not given to aggression and war.

For what purpose, then, does the Zulu King keep up this large army, which brings so much hardship and so much misery upon the Zulu people themselves? It can serve no good purpose. It can be made of no use, except it be used for the oppression of the Zulu people or for aggression upon British subjects or the allies and neighbours of the British Government.

There is, therefore, no real need for the army. The present system is working the destruction of the Zulu people. The army is used against the very people of the country to which it belongs. It is the strength of the nation destroying the nation itself.

Let the nation say if this is not so!

Besides, whilst the King keeps up this army, whilst he is constantly calling it together, it is impossible for his neighbours to feel secure. They never know what may happen, and the British Government is obliged to keep large numbers of the Queen's troops in Natal and the Transvaal in order to protect British subjects against the dangers of a possible aggression by the Zulu King.

This state of things cannot last. It is dangerous to the peace of all the countries adjoining Zululand, and it is hurtful to the Zulu people themselves. The British Government cannot allow it to continue. It has become absolutely necessary that some change should be made.

It is necessary that the military system which is at present kept up by the King should be done away with, as a bad and hurtful one; and that the King should, instead, adopt such military regulations as may be decided on after consultation with the Great Council of the Zulus and with the representatives of the British Government.

It is necessary that the Zulu army, as it is now, shall be disbanded, and that the men shall return to their homes.

Let the obligation on every able-bodied man to come out for the defence of his country, when it is needed, remain; but, until then, let it be that every man shall live, if he pleases, quietly at his own home.

Let every man, then, be free to remain at his home, and let him plant and sow, and reap, and tend his cattle, and let him live in peace and with his family.

Let him not be called out for war, or for fighting, or for assembling in regiments, except with the permission of the Great Council of the nation assembled, and with the consent also of the British Government.

Let every man, when he comes to man's estate, be free to marry. Let him not wait for years till he gets permission to do this, for oftentimes the King forgets to give the permission, and the years pass, and the man becomes old. But let him be free to marry when he pleases, as it is in Natal.

So will the King have contented subjects.

Then, with respect to the promises made at the coronation, let rules at once be laid down so that any Zulu, man or woman, old or young, who is accused of any crime, be tried by properly appointed indunas before punishment; that no one may be punished without cause, and that the life of no one be taken until the offence of which he is accused be heard openly against him and an answer given by him in defence, in order that those by whom he is tried may say whether he is guilty or not before he is punished; and if any one is declared to be guilty, then let him not be killed until the King has given his consent, and until the person declared guilty has been able to make appeal to the King.

Thus it was promised it should be at the time of the coronation, but the promises have not been kept.

But, in future, it will be necessary that the promises be kept, for the British Government holds itself bound to see that this is so; and, in order that they may be kept, and that the laws regarding them may be duly carried out, the Queen's High Commissioner, on behalf of the British Government, will appoint an officer as his deputy to reside in the Zulu country, or on its immediate border, who will be the eyes, and ears, and mouth of the British Government towards the Zulu King and the Great Council of the nation.

What words the King or the Council of the nation desire to say to the British Government can then be said through this officer, as also what words the British Government may desire to say to the King or the Great Council can be said through him; so that all misunderstandings and questions that arise between the two countries, or between the subjects of the two countries, may be dealt with and settled through this one officer speaking with the King and the Great Council.

This officer will see that the rules regarding the trial of all Zulus before punishment are kept, and that no man is killed without trial, but that all men may have an opportunity of answering the accusations brought against them, and, if need be, of appealing to the King.

He will see, also, that the arrangements to be made regarding the army are carried out; that no one is called out for war without necessity; that all men are allowed to live at their homes in peace; and that every man is free to marry. So will it be well with the Zulu people.

The late King, Panda, allowed several European missionaries to settle in Zululand. Cetywayo, also, allowed them to stay in the country, but during the last two years some of the natives living on the Mission Stations were killed without trial or form of trial, and others were terrified; and thus the missionaries have, most of them, been obliged to abandon their stations; and the High Commissioner desires that all those missionaries who until last year lived in the Zulu country and occupied stations, as also the natives belonging to the stations, be allowed to return and re-occupy their stations. He desires, also, that all missionaries be allowed to teach as in Panda's time, and that no Zulu shall be punished for listening to them. If any Zulu wishes, of his own choice, to listen to the missionary he is to be free to do so. If any native living on a Mission Station does wrong, he will be liable to punishment, but he must be tried first.

If any case of dispute occurs in which any one of the missionaries, or in which any European, is concerned, such dispute shall be heard by the King in public and in presence of the British Resident; and no sentence of expulsion from Zululand shall be carried out until it has been communicated by the King to the Resident, and until it has been approved by the Resident.

These are the words of Her Majesty's High Commissioner, which the Lieutenant-Governor of Natal sends to the Zulu King and the chief men of the nation, and for the whole Zulu nation.

Let the King and the chief men of the nation now listen to these words and consider them, and let them make answer regarding them.

These are the conditions which Her Majesty's High Commissioner, in the name of the British Government, considers necessary for the establishment of a satisfactory state of things in the Zulu country, and for the peace and safety of the adjoining countries. Let, therefore, the King and the chief men of the nation consider them, and let them give their answer regarding them within 30 days from the day on which this communication is made to the Zulu representatives, in order that Her Majesty's High Commissioner may then know if the King and the Great Council agree to the words which are here given, and will give effect to these conditions, which are necessary both for the peace and safety of the Queen's subjects and allies, and also for the safety and the welfare of the Zulu people, to which the Queen's Government wishes well.

HENRY BULWER,
Lieutenant-Governor.

Enclosure 3. in No. 53.

EXTRACT from a LETTER from the Hon. CHARLES BROWNLEE to Sir BARTLE FRERE, dated Verulam (Natal), 12th December 1878.

WE yesterday held our meeting with the Zulu delegates. We got to the Tugela on Monday, and on Tuesday heard that they had arrived at John Dunn's, and on Wednesday they came over; there were thirteen (13) in all, with 40 or 50 attendants, the delegates being headed by a portly old gentleman named Vumandabo (?).

The meeting commenced at about 11 o'clock, when the award was read and translated into Zulu; a little wiry old gentleman named Gebula asked for some explanations, which were given by Mr. Shepstone; when old Gebula replied, that all the rivers running eastwards from their sources to the sea belonged to the Zulus, but that they gave up their claims to those running westward. That they occupied both banks of the Pongolo and therefore claimed that country.

Mr. Shepstone remarked that he had not come to discuss the matter, it had already been carefully considered, that the High Commissioner had given his decision, and that nothing could now alter that decision, and that the few Zulus who had gone into the country in question did so long after it had been in the occupation of the Transvaal Boers.

I imagine that the deputies got more than they expected, yet Kafir-like, they wanted more, and in order to get more, desired to show that they had not got all that they were

entitled to receive, yet judging from the expressions of their faces I could trace neither disappointment nor dissatisfaction, and they remarked that as Cetywayo would be permitted hereafter to make any representation he desired this would meet the case.

After an adjournment of an hour the meeting re-assembled to hear the ultimatum read. This was listened to with the most intense interest and attention, and evidently the deputation, judging from the expression of their countenances, regarded this as a most serious business. They asserted that Cetywayo had strictly observed the stipulations he had entered into at his coronation, and asked if the Zulu people had complained of any breach of them. They could not understand the reason why the disbandment of the Zulu army was required; that from the days of Chaka, his father and grandfather, the Zulus had an army, as the English had, and as the English kept their soldiers, so the Zulus kept theirs.

Mr. Shepstone replied that two cases of outrage and aggression had been cited, and many others could be quoted, and that though the Zulu nation had made no formal complaint of Cetywayo's departure from his coronation engagements, yet many such cases could be cited. The Commission had no authority to discuss these matters with the deputies from Zululand; they were directed to deliver to them the words of the Government. It was for the Great Council of the Zulu nation to discuss the message and to return an answer; it was not expected that the deputies should answer, and they had not been authorised to do so.

The Zulu deputies then wished that some one should be sent with them, so that when they delivered their message to Cetywayo it might be attested as true by some one representing the Government. John Dunn also concurred in this view, but as this was evidently requested with the view of escaping from an unpleasant duty, which the Government representative would have to perform, it was not agreed to. Mr. Shepstone told the deputies that they had the written paper which contained all the words of the Government; that Cetywayo could hear it read to him, and to refresh their memories he recapitulated all the points contained in the ultimatum.

The deputies then asked for an extension of time, and considered that on so important a matter no specified time should have been fixed. The reply was that the time was considered ample; that if the Zulu representatives were not now at Cetywayo's, they could be assembled in four or five days, and that there was no sufficient reason for an extension of time.

The deputies, in conclusion, stated that Cetywayo had directed them to say that he had broken none of the conditions entered into between him and Sir T. Shepstone, and that the sons of Sirayo had been arrested with the view of handing them over to the Natal Government, but had made their escape. Nothing was said of Umbelini. Mr. Shepstone replied that Cetywayo knew that he had not acted up to the engagements made at his coronation, and the Zulu people also knew this; that about 18 months since Bayeni had been sent to Cetywayo by the Governor of Natal to remonstrate with him on his proceedings; that Cetywayo had replied that he had not yet shed blood, but that he would thenceforth do so, in accordance with the usage of the Zulus. To this the delegates replied that what had been stated by Mr. Shepstone was a matter between the Governor of Natal and Cetywayo, and that the deputies knew nothing of it.

Evidently the deputies regarded the matter in a most serious light; they appeared anxious and concerned; they in no way indicated that the demands of the Government would be accepted by the Zulu King and people, but, on the contrary, stated that what had been done and what it was directed should be undone had been in accordance with Zulu usage, and in no way opposed to the stipulations entered into by Cetywayo at his coronation; but while indicating this, there was no standing on high ground, or any assertion that the Zulus would defend the position they had taken.

As in the case of the Kafirs in the late outbreak, the old men are evidently for peace, while their juniors are for war. The deputies, I should say, represented the peace party, but I fear that, as in the case of the Kafirs, the war party will prevail, and that the decision of the Government will not be accepted, but this is simply hazarding a conjecture without sufficient grounds for its proof.

Mr. Shepstone, as the head of the deputation, uttered no uncertain sound; there was no hesitation in his utterance, but everything was distinct and decided, and there could be no mistake as to the intentions of the Government.

I remain, &c.

(Signed) C. Brownlee.

Enclosure 4. in No. 53.

EXTRACT from a LETTER to His Excellency Sir BARTLE FRERE, Governor and High Commissioner, from the Hon. W. LITTLETON, Private Secretary, dated Tugela Drift, 11th December 1878.

THE Zulus, to the number of 50 or 60 came last night, and crossed the river this morning, John Dunn among them. The meeting took place on a small flat ledge in the steep river bank below this house (Mr. Smith's) and the fort. Two large trees grow on the ledge, and an awning was hung between them. The Zulu envoys were a little alarmed, I believe, at seeing the escort of marines, blue jackets, and Stanger Mounted Rifles gradually closing round them, but these were dismissed after a time as the heat was very great.

They seemed to take the award very quietly, but this afternoon when the "ultimatum" was given them they were evidently disturbed and tried to argue the question. Mr. Shepstone seemed to me to manage them very well. He was very quiet and firm and dignified. * * * * * * * *

No. 54.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Jan. 25, 1879.)

High Commissioner's Office, Maritzburg, Natal,
SIR, December 14, 1878.

IN continuation of my Despatch of the 10th instant,* on the military chances of avoiding a Zulu war, I have the honour to offer a few remarks on the belief, which I find many persons entertain, that it is impossible to improve our relations with neighbours like the Zulus by any process short of annexation, that we must either permit the Zulus to continue their barbarous practices, just as we acquiesce in any European neighbour's harmless national peculiarities, or we must undertake the whole responsibility of governing them as a subject race by our own officers, enforcing our own laws, that, in fact, our only choice is between leaving them entirely alone to govern themselves in their own way, or annexing their territory to ours.

2. This view seems to me a very seriously erroneous one. Experience in every part of the world, but especially in India, proves that it is quite possible for a native and comparatively uncivilised power to co-exist alongside a European power, and to be gradually raised by it to a higher stage of civilisation, without losing either its individual existence, or such natural customs as are not inconsistent with civilisation.

But it is undoubtedly necessary that the two powers should settle from the first which is to be the superior, and which is to be subordinate.

This point settled, by a system of even-handed justice administered to all alike without distinction of race or colour, natives and Europeans can live together in peace and harmony. But it is absolutely necessary that the Government which is civilised on European principles should have the upper hand. I know of no instance in history when a native Government, ruling on native and uncivilised, as opposed to European and civilised principles, has succeeded either in ruling European subjects or in preserving its own independence in the neighbourhood of a European power.

3. What happens when the attempt is made by an uncivilised African potentate in these parts may be seen in many a tribe beyond our own border. The more determined the barbarian potentate is to isolate himself from all civilised influence, and thereby maintain his independence, the greater the temptation to the European visitor, be he missionary, hunter, or trader, to make his way into the country, and there to follow his calling. Sometimes the missionary, or the hunter, and the traveller or trader uses his opportunity with good effect in the cause of civilisation and humanity, and then, sooner or later, comes the inevitable influence of the nearest civilised Government.

4. The process is not much prolonged if the hunter or trader misuses his opportunities to corrupt the savage, or to establish a selfish monopoly of trade with his people; sooner or later contact and collision with the neighbouring civilised administration must ensue, and though the process may be longer, the result is inevitably the same.

5. But it may be asked "need we care for what our savage neighbours are doing or

" plotting? may we not go on in our own way, colonising, multiplying, prospering, and " civilising, and, confident in our own strength, disregard the threatening aspect of our " native neighbours. Have we any right or duty to interfere with usages which, " however distasteful or horrible to us, are preferred by them to our civilisation? what " justification have we for meddling with them?"

6. In some parts of South Africa no doubt this question might be asked and answered as satisfactorily as the old question, "Am I my brother's keeper." There are native communities in some situations in South Africa where the people might possibly be allowed for a long time to go on in their own barbarism without results dangerous to their European neighbours, and so far without giving their European neighbours any excuse for interfering with them on the grounds of self-preservation, but this cannot be said of the neighbourhood of the Zulus. Their continuance in barbarism, enforced as it is by the system of their present ruler, is to us a standing menace.

7. It is easy to say that during the past 30 years, while recovering from the prostration caused by Dingaan's defeat, and constantly weakened by the depletion of emigrants to Natal, the Zulus have rarely appeared to us as actively dangerous neighbours. Yet during the latter part of this period, men looking at the Zulus from such different points of view as Sir George Grey, Sir Theophilus Shepstone, and Sir Garnet Wolseley, all have agreed on the danger from Zulu aggression, and if any doubt could have existed as to the soundness of their judgment the events of the last twelve months have shown by acts of violence and bloodshed across our own border how slender would our protection be if we trusted to Zulu justice or forbearance.

8. "Is there no way," it may be asked, "by which we may avoid bringing the native " and the European into close contact."

The experiment has been frequently tried and has always failed. We have repeatedly attempted to make a sort of Black Alsatia outside our own border where the Kafir Chiefs might harbour any amount of barbarism from which those natives who preferred civilisation might escape into our Colony.

We can reckon in the frontier history of the Cape Colony at least four or five such attempts, and the history of our connexion with the Zulus is little more than a 30 years experiment of leaving the Zulus in an Alsatia of their own, without any direct attempt on our side to raise them from barbarism.

9. In Natal it is to be feared, and occasionally, perhaps, in the old Colony, we have not always escaped the danger of forming smaller Alsatias within our own territory. Except in extent, they are nearly as dangerous as Alsatias outside our boundary.

The result has always been exactly the same. The natives do not become less barbarous, but they become much more dangerous.

Besides losing the respect and fear with which their first acquaintance with the white man inspired them, they acquire many evil habits, some of the weapons and powers of the white man; but never, as far as I can learn, any disposition to forsake barbarism and adopt civilisation, unless when directed, as in a few cases has been attempted, by some missionary, or other European, who, like the missionary, is seeking more the advantage of the natives than his own profit.

10. But in the case of missionaries the peculiar profession of the elevating agency almost precludes political organisation, and the best the missionary can do single-handed is to add his influence to that of the more civilised leaders of the tribe in inviting the nearest friendly civilised power to assume sovereignty over them.

11. It is not difficult to account for the failure of any native tribe when left to itself to civilise itself as an independent native power. The more active and intelligent leaders of the tribe, who are most inclined to civilisation and who would be most useful, naturally fall off and leave their barbarian Chief surrounded by parasites and flatterers, white as well as black, who for the most part lead him into courses destructive to his own health and inconsistent with the civilisation of his people.

12. Sometimes, indeed, it has happened, as in Waterboer's and Adam Kok's cases, that the Chief and his advisers got the length of inventing a travesty of a European Constitution. This of course is sufficient to alarm every civilised community in its neighbourhood. The alarm may be absurd, or, at least, premature; but looking to the entirely exotic character of such Constitutions, and to the commanding position generally secured to the European, who undertakes to draw up and promote the Constitution, it may be reasonably doubted whether the cause of civilisation would be promoted by allowing such experiments to run their natural course without interference.

13. But not only is the attempt to drive the natives into an Alsatia of their own in itself dangerous to the peace and inimical to the civilisation of the country, the practice, it cannot be doubted, is a serious impediment to industrial progress.

14. The natives of the Kafir races seem everywhere capable of an almost indefinite amount of improvement by education, whether moral, intellectual, or material, in arts, &c.; even the uneducated lower classes are well inclined to become the free labouring population of states which protect them. They are in this respect a great benefit, and a very decided advantage to European Colonies, which do not seem likely to prosper on this continent if restricted to exclusively white labour. I think we can see in the experience of the Orange Free State and the Transvaal, and occasionally in the very large town commonages, where no natives are allowed to live, the evils inseparable from scarcity of native labour.

15. I have discussed these questions at some length and under various aspects in the hope of assuring Her Majesty's Government that it is not without due consideration I express my conviction that it is impossible to avert the very serious evil of war with Cetywayo unless we can first settle whether he or Her Majesty's Government are to bear rule in these parts.

That it is possible so to rule the Zulus through their own Chiefs that they shall be useful and peaceable neighbours I fully believe; but I greatly doubt its possibility through Cetywayo. I need not in justification of this conviction enter at any length on a history of Cetywayo, or of his tendencies and policy, as shown since he has reigned supreme, nor attempt any description of his military system, as a reason for being convinced that he does not maintain it for any purpose consistent with peaceful relations with his neighbours. I have discussed that part of the question at sufficient length in the Despatch referred to at the beginning of this letter.

I have, &c.

The Right Hon. the Secretary of State, &c. &c. &c.

(Signed) H. B. E. FRERE, Governor and High Commissioner.

No. 55.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Jan. 25, 1879.)

SIR, Pietermaritzburg, December 16, 1878.

I HAVE the honour to forward, for your information, extracts from two letters from Mr. C. Thomas, of the Standard Bank of South Africa. One on the subject of the trade between Natal and Zululand, and the other containing some statistics calculated to show to what extent the natives of Natal itself are the customers of the Colonial storekeepers.

2. With reference to the trade between Zululand and Natal, there is very little doubt but that it will very largely increase when once life and property are to any extent secure in the first-named country. In other words, were Zululand in a settled condition there would be at least as large a trade with its natives, in proportion to their numbers, as is now carried on with the natives of Natal.

3. Few things could better illustrate the condition of Zululand than these returns. The native population of Natal has increased fourfold during about 20 years. The increase in addition to natural causes being due to the great immigration of fugitives from Zululand.

No encouragement whatever is held out to these fugitives beyond safety for life and for any property they may acquire after arrival here. If they bring cattle or other property with them from Zululand, it is returned to the King, on demand, as belonging to him; and every able-bodied person is obliged to serve an apprenticeship of three years as a refugee in Natal, before he is allowed to work for any master he may select.

4. Yet this population, so largely recruited by pauper fugitives, earns here the means of purchasing imported manufactures, clothing, hardware, tools, ploughs, &c. &c. to the value of about 75,000*l.* per annum, and the trade is increasing.

5. The whole trade in similar articles with Zululand is estimated at only 12,000*l.* The articles of trade are as much coveted north of the Tugela as to the south. The Zulu population is supposed to be now about equal in the two countries, and the Zululand Zulus ought to be the better customers, for they comprise the King and his court, and all his Chiefs, and all who have cattle or other property beyond their recent earnings.

There is no visible cause for their purchasing so little of what they covet except the utter insecurity of life and property, which strangles industry and commerce. In Zululand all but powerful Chiefs and their immediate followers hold life and property subject to the caprice of a sanguinary tyrant, who fills his exchequer by "smelling out" wealthy cattle owners and "eating them up," in other words, killing the males and all but girls and children and taking all the dead men's property. The cattle thus got are expended almost exclusively in feeding his regiments of soldiers, who up to 40 are kept in compulsory celibacy.

6. Under such conditions there can be little industry, and trade can hardly be expected to flourish.

The enclosed returns, however, do not include guns. The King purchases a good many, and fines all headmen who do not provide themselves with some sort of firearm. This is the reason why many young Zulus leave their homes and go seeking for work as far as the Diamond Fields and the eastern parts of the Cape Colony, hoping to carry back a gun with them as a part of their earnings.

We are apt to suppose that a gun has some magical attraction for a Zulu, but I am assured that most Zulus covet a gun simply as a safeguard against the fine which will be inflicted on their kraal if a gun is not forthcoming at the annual muster at the King's kraal.

Such gun trade is of course a poor substitute for other commerce, whilst the taste to which it ministers is inimical to the peace of all within reach of the King, anxious to emulate the sanguinary fame of his uncle Chaka.

I have, &c.

The Right Hon. the Secretary of State, Colonial Office.

(Signed) H. B. E. FRERE, Governor and High Commissioner.

Enclosure 1. in No. 55.

EXTRACT of a LETTER from E. THOMAS, Esq., Manager of the Durban (Natal) Branch of the Standard Bank, dated Durban, 16th October 1878.

I HAVE the honour to furnish, for your Excellency's information, at the request of Mr. Farie, such particulars as can be arrived at here in regard to the trade of this Colony with Zululand.

Trade with that country is at present, so to speak, at a standstill, owing to exceptional circumstances known to your Excellency, but taken at its best, under normal conditions, it appears to be very insignificant in amount.

From the peculiar character of the trade the true state of affairs is with difficulty ascertained, even approximately, and there would seem to be a great difference of opinion in regard to same.

I am aware of an estimate that the value of goods passing from the Colony into Zululand reaches 20,000*l.* to 30,000*l.* per annum, but this estimate probably includes the trade with other native tribes on or close to our border, and the preponderance of evidence is distinctly against such figures.

The truth appears to be that the outward Colonial trade with Zululand does not exceed the rate of 1,000*l.* per month, or, say, 12,000*l.* per annum, and indeed even this low estimate is by some considered too high.

The goods in demand are named as—

		£
Cotton sheets, say per annum		1,000
Cotton blankets, „		4,000
Woollen blankets, „		3,000
Rugs, „		1,000
Picks and hoes Hatchets and knives Beads Iron and brass wire Traps and sundry hardware articles	say per annum, in about equal proportions	3,000

These goods are taken into Zululand by small traders, white and black, and are bartered almost entirely for cattle and hides, cattle being taken at, say, 4*l.* per head, and hides at about 1*s.* each.

The returns for above goods would be thus, cattle, hides, in about equal proportions exceeding in value the goods purchased by, say, 75 per cent.

Occasional lots of cattle are sent to Durban for sale at public auction on account of the Zulu King, and the proceeds of such sales forwarded to him in specie through the agency of John Dunn.

Enclosure 2. in No. 55.

EXTRACT from a LETTER from MR. THOMAS, Manager of the Durban (Natal) Branch of the Standard Bank, dated Durban 20th November 1878.

WITH reference to the trade of the Colony with the natives both in Natal, and also with the native communities on the Natal border, exclusive of the Zululand Zulus.

The trade is most important and there appears to be abundant evidence that it is increasing.

Unlike the Zulu trade the returns are mostly in cash and not barter.

I estimate that articles to the value of say 85,000*l.* at English cost, are imported into the Colony during say a period of 12 months for sale to natives. Before these goods reach the hands of the natives an addition of 75 per cent. would have to be made to cover cost of import, duty, and other charges, including profit, and this would bring up the total sum expended by natives to, say, 148,750*l.* in the course of the 12 months, or close upon 150,000*l.* per annum.

The goods in demand appear to be,—

	Import Cost.	Cost to Natives.
	£	£
Agricultural implements, say, per annum (principally ploughs)	5,500	9,625
Apparel and slops (shirts, clothing hats, &c., &c., &c.)	25,000	43,750
Beads	4,700	8,225
Cotton manufactures (blankets, sheets, &c., &c.)	12,200	21,350
Haberdashery and millinery (principally articles applied to school and town natives)	900	1,575
Iron goods (hoes, picks, &c., &c.)	2,000	3,500
Hardware, &c. (traps, pots, knives, iron, and brass ware, &c., &c.)	11,000	19,250
Leather manufactures	1,300	2,275
Oilman's stores (very limited demand)	400	700
Saddlery, &c.	1,400	2,450
Woollen manufactures (blankets, rugs, &c., &c.)	19,000	33,250
Other goods, sundries not above enumerated, say	1,600	2,800
Total	85,000	148,750

The whole trade may be classified thus :—

About one half with Natal natives in Natal.

About one fourth with Natives in the Everberg States and Griqualand West, and about one fourth with Natives in Griqualand East, Pondoland, Basutoland, and distant tribes.

I should remark that the above estimate is necessarily approximate only, no records being kept that would admit of any closer calculation.

No. 56.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Jan. 25, 1879.)

High Commissioner's Office, Pietermaritzburg, Natal,
SIR, December 20, 1878.

IN continuation of my previous Despatches on the subject of the award and consequent communications lately made to Cetywayo and his people, I have the honour to forward for your information the interesting report of the proceedings at the Lower Tugela Drift, given to me by the hon. Charles Brownlee one of the Commissioners appointed to convey the Lieutenant-Governor's messages to the envoys of Cetewayo.

I have, &c.
The Right Hon. the Secretary of State. (Signed) H. B. E. FRERE,
&c. &c. &c. Governor and High Commissioner.

Enclosure in No. 56.

SIR, Maritzburg, December 16th, 1878.

The commission appointed by his Excellency the High Commissioner to deliver to the Zulu delegates the award on the land dispute with the Transvaal Government and his Excellency's ultimatum to the Zulu people arrived at the Tugela on the 9th instant, and the Zulu deputation 14 in number, with 40 or 50 attendants having crossed the Tugela on the 11th the commission met them as directed.

NAMES of ZULU DEPUTIES.	
1. Palane.	
2. Vumandaba	Colonels in Zulu Army.
3. Mundula	Colonels in Zulu Army.
4. Gebula.	
5. Mgandi.	
6. Marubulwana.	
7. Somciza.	
8. Mzwali.	
9. Mgulugulu.	
10. Mabilwana.	
11. Nongena.	
12. Umpepa.	
13. Sitwanga.	
14. Woyila.	

In order that the award on the land dispute and the ultimatum should not be confused with each other, it was arranged to hold separate meetings at which the decision of Government should be announced.

At the first meeting the award on the land dispute was read and was carefully translated to the Zulu deputies by Mr. Fynney, Border Agent.

When this had been concluded Mundula, one of the deputies, asked for some explanation regarding the boundary, stating that the Zulus claimed all the rivers flowing eastward from their source to the sea, but that they waived all claims to the rivers flowing westward.

Mr. Shepstone explained the boundary line from the mouth of the Tugela to the Pongolo, at the same time informing the Zulu deputies that we had not come to discuss the question but simply to announce the decision of the High Commissioner, which had been arrived at after the careful enquiry, that the decision would be upheld, and no Zulu would be permitted to disregard it. Vumandaba, a Colonel in the Zulu army, and second in rank in the Zulu deputation, said be was thankful to hear the words of the High Commissioner, and that the dispute between the Transvaal Government and the Zulus had been settled, nevertheless Cetywayo would be disappointed, as he claimed the land to the north of the Pongolo which was occupied by Zulus, the only satisfaction was, that Cetyweyo according to the award might still submit his claim for the decision of Government.

Gebula followed in the same strain as Vermandaba, and concluded by saying on behalf of the other deputies that they concurred in what had been stated by Vermandaba.

The meeting having been adjourned for half an hour, reassembled in the afternoon, when the ultimatum was read and translated, sentence by sentence, by Mr. Fynney, and was listened to with the utmost attention by the deputies with marked indications of concern and anxiety.

It was argued by Vumandaba, Gebula, and others, that Cetywayo had broken none of the conditions entered into at his coronation, that no one had been put to death without cause, that the utmost forbearance had been shown to those guilty of witchcraft, that when any one had been accused of this offence, he was removed from the neighbourhood of the persons whom he had bewitched, he was again accused by those to whose neighbourhood he had been removed, he was again removed and again accused, his guilt being thus established he was put to death.

It was further stated that Cetywayo had directed the deputies to say that he had broken none of the stipulations agreed to by him before Sir T. Shepstone, that he had not agreed to leave offenders unpunished, and that all who had been put to death had broken the laws of Zululand.

The deputation proceeded to say that they did not understand the reason for the disbandment of the Zulu army, that from the time of Cetywayo's great grandfather there had been a Zulu army, and that it was in accordance with the law and custom of the Zulus to enrol the young men as soldiers; the Zulus had their army as the English had theirs.

In reference to the sons of Sirayo it was said that Cetywayo had endeavoured to carry out the demands of the Natal Government, that the criminals had been arrested with the view of handing them over to the Natal Government, but that they had made their escape and no one knew whither they had fled.

Mr. Shepstone replied that Cetywayo and the Zulu people knew that the conditions agreed upon at the coronation had not been observed; that in addition to the cases of breach of condition cited in the ultimatum, many others could be mentioned, that when 18 months since Mayeni had been sent to Zululand by the Natal Government to remonstrate with Cetywayo on his breach of the stipulation, Cetywayo replied that he had not yet shed blood, but that he would thenceforth do so according to the custom of Zululand, that he did not interfere in the administration of the law of Natal and he wished for no interference with the laws of Zululand.

The Commission further informed the Zulu deputies that they had no authority to discuss the points raised, or to make any modifications in the ultimatum, but were prepared to render any explanations which might be required; moreover, the Zulu deputies themselves were not authorised to act, but had simply to receive the words of the Government and convey them to the Zulu King and people for discussion and decision by them.

The deputies now applied for an extension of time, as 30 days they said was too short for discussion and decision on the important points referred to the Zulu King and Council; the deputies also wished that the Commissioners should appoint some one to accompany the Zulu deputation in order that he might attest the message when it was delivered.

The deputation was informed that the time appeared ample and all that was required, and if the Zulus desired it all could be accomplished within the specified time; that as the deputation had the written words of Government there was no necessity to send anyone with them to attest those words, and in order that what had been read to them should be impressed upon their minds, Mr. Shepstone briefly recapitulated to them all the points of the ultimatum.

The bearing of the deputies was most respectful, and while defending the conduct of their King, as was reasonably to be expected, there was neither defiance nor resistance in their tone.

With the exception of the alleged arrest of Sirayo's sons, the deputies expressed no opinion as to whether or not the terms of the ultimatum would be accepted, and nothing can be inferred from their arguing against the disbandment of the army, unless it be that they themselves being disposed to yield on this point, argued against it in order that their position in Council should be strengthened should they advise its adoption by Cetywayo.

Judging from appearances I think it may fairly be concluded that the deputation, composed chiefly of elderly and middle aged men, are opposed to a rupture with us, but there is every reason to believe that the army and younger men are influenced by different sentiments, and our experience on the Cape Frontier has proved that where this is the case the inclinations of the warlike and restless have in the end prevailed over the wise counsels of their seniors, and I am of opinion that the action of the Zulus will not form the exception to the rule.

I have, &c.

(Signed) C. Brownlee,

Chief Magistrate, St. John's Territory.

To the Hon. Wm. Littleton,
Secretary to his Excellency the High Commissioner.

No. 57.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Jan. 25, 1879.)

High Commissioner's Office, Maritzburg, Natal,
December 23, 1878.

SIR,

I HAVE little to add to the information conveyed in my last Despatch reporting that the terms of the award in the matter of the disputed boundary, and the further demands regarding the future administration of Zululand, had been communicated to Cetywayo's mesengers.

We are as yet absolutely without any information as to the impression made by the messages on either the King or his people. But Colonel Evelyn Wood reports from Utrecht that the Zulu soldiers from the frontier nearest him have been recalled to the Royal Kraal.

I have requested his Excellency Sir Henry Bulwer to forward a message to Cetywayo, reminding him of the dates on which we shall expect compliance with our demands.

Among the enclosures will be found a printed copy of the proceedings of a meeting between Colonel Evelyn Wood, V.C., C.B., and a number of the farmers of the Utrecht District. I have little doubt but that the firm, conciliatory, and judicious treatment of these gentlemen by Colonel Evelyn Wood will have an excellent effect not only locally but generally throughout the South-eastern Transvaal Districts.

I have, &c.

The Right Hon. the Secretary of State,
&c. &c. &c.

(Signed) H. B. E. FRERE,
Governor and High Commissioner.

Enclosure 1. in No. 57.

MINUTES of the PROCEEDINGS of a MEETING of the LANDDROSTS, FIELD-CORNETS, and DUTCH SETTLERS of the DISTRICTS of WAKKERSTROOM and UTRECHT, Mr. Hutchins, as Landdrost of Wakkerstroom, being present. Assembled by the invitation of Colonel Evelyn Wood, V.C., C.B., for the purpose of ascertaining the views of the inhabitants as to their line of conduct in the event of a war with the Zulus.

At 10 a.m., 4th December 1878, Colonel Evelyn Wood, having been introduced to the meeting in the Court House, Utrecht, delivered an address which was interpreted, sentence by sentence, by Mr. Rudolph, the Landdrost, so that all could hear in the room, which was crowded. [Address marked A. and attached.]

[A.]

GENTLEMEN,

ALLOW me to thank you for attending in such large numbers. The reasons for my inviting your attendance are briefly as follows:—When I left Maritzburg in September to assume charge of this district, I was informed that in the event of war with the Zulus, 800 Dutchmen would come out to assist the troops under my command.

On my arrival I found, however, that owing to the prevailing feeling of irritation against the Imperial Government, it was generally believed that few or none would come out. I called on some of the oldest settlers, and the substance of what I was told by those holding different views was—one section said—

(*a.*) Though we are greatly dissatisfied with the Imperial Government, yet we will make no difficulty if you "commandeer" us. Do so, and we'll come.

(*b.*) Another section recapitulated the grievances which are commonly alleged by Dutchmen, and asserted their determination to stand aside.

Gentlemen, I will at once explain that while I have received no orders on the subject, yet, personally, I am opposed to attempting to force white men to join us if we invade Zululand. It will, I consider, however, be necessary to "commandeer" Kafirs from your farms. To those who sympathise with the views of the second section, I reply: I am aware there is a feeling of irritation against the Imperial Government. This I can easily understand, I believe I know both sides of the question, but in England the only argument I ever heard against the annexation used by those who opposed the measure was—it is premature; give the Dutch time; their distress and absolute want of means will in a year or two make them accept your rule cheerfully. This cannot be considered as a kind sentiment for the Dutch. It is useless for me to occupy your time

in discussing the question. As a military officer it does not concern me, but as it appears my regiment may be for some years in South Africa, I cannot help feeling an interest in the Dutch settlers, as without goodwill between all white men, the country cannot be prosperous, nor can Dutch or British be happy.

Leaving the annexation question aside, let us consider if the Imperial troops enter Zululand, will it be wise of the Dutchmen in their own interests to stand aside? I dismiss from all consideration the idle rumours about Dutchmen banding with black men. Even if they dislike our government, they will never combine with Zulus, though one or two unprincipled blackguards may pretend to do so.

I believe, though nothing official has reached me, that the High Commissioner has given his award on the boundary question, and I earnestly hope all white men will accept it cheerfully. Whatever it be, Cetywayo must accept it. Some Dutchmen say:—"The quarrel is yours—you annexed our land—settle the quarrel." I reply the quarrel is an old one. Last month, Faku, one of Cetywayo's indunas, in a conversation with me at Luneburg said:—"Do not trouble yourself about the Boers. We were "obliged to drive them away because they were so troublesome." Indeed, you must all admit, and your numerous Laagers along the borders testify, that your quarrels with the Zulus have been incessant,

Some Dutchmen say, "You are too few to invade Zululand." I reply, "Where we "soldiers are ordered to go, we go."

If you remain behind, and we are victorious—as please God we shall be—you will regret not having helped towards the securing of the quiet enjoyment of your property.

If we fail for want of your help, the Zulus will over-run your farms.

It is well known that to secure the safety of one's country in war time, the war should be carried into the enemy's country.

If you go into Zululand with us, you will show the world that, if you reserve your own opinion about the annexation of the Transvaal, you are capable of a high and chivalrous line of action, which, Gentlemen, were I a Dutchman, I should urge you to adopt as a matter of policy.

In the event of your accompanying an invading force into Zululand, I propose: Every man bringing his horse, weapons, and equipments should receive 5*s*. per diem, rations for himself, also for his horse when procurable.

It will be necessary that all supplies be bought by the field cornets, or others you may elect as your leaders.

The Government will pay not only for the rations, but also for the hire of the waggons, and will guarantee the owners against all losses, the rates to be fixed by Mr. Rudolph and me. The proportion of officers and non-commissioned officers, and their pay, to be fixed by me. Government will provide ammunition if possible. Volunteers will be allowed the price of what they bring themselves.

They should join two days before they cross the border, and serve till the troops recross, or until I dismiss them.

Now you have listened to me, I am obliged for your attention, and I will listen to you. Please remember, though, as a gentleman, I am bound to listen to all you may say, yet I have nothing to do with politics; and so I trust you will not dilate on your political views, about which I have no business to interfere.

These are my words.

EVELYN WOOD, Colonel.

After some conversation Colonel Wood and Mr. Rudolph retired, in order to allow a free discussion, and the meeting having nominated a committee to draft a reply, adjourned till 3 p.m., when the paper marked B. was read and interpreted.

The meeting then desired, through their committee, Colonel Wood would, so far as possible, answer the suggestions embodied in their report.

Colonel Wood replied: As regards resolution No. 1, I am the officer to whom the lists should be sent.

No. 2. I accept this resolution.

No. 3. I know from my friendship with some of the Dutchmen that there is ammunition in the country. The volunteers should bring what they can, for which the Government will pay. I have, however, asked that some Westley-Richards ammunition may be sent to me.

As regards guns, so far as they are available, I will issue them on loan to those who have no firearms of their own.

No. 4. It is as well that I should explain the question about cattle. [Colonel Wood then pointed out the impossibility, with ordinary justice, of restricting the shares of booty

to the actual captors.] This is a matter, however, on which I have no discretion, as the orders are explicit. [G.O. 196, 14th November 1878, was then read and explained, and the secretary to the committee said it fully met the views of the meeting.] A Dutch translation marked " D." is attached.

No. 5. I agree to this resolution.

No. 6. I agree to the Government paying for all rations, but it will probably be necessary for you to bring them.

No. 7. I agree to this resolution.

No. 8. The volunteers will be treated in the military hospitals, but when detached I will endeavour to send with them medical assistance.

No. 9. I agree to this resolution.

No. 10. I rejoice to find there is practically unanimity between us. I will at once take steps to forward a copy of our proceedings to Pretoria.

The meeting was then dissolved.

At 10 o'clock a.m., on the 5th December, the committee brought to Colonel Wood a fair copy of their report, which is marked " B." As there were some slight alterations between it and the original draft, it was deemed advisable to place on record the sentences marked " C," for the satisfaction of those not present, although the committee and the Colonel were confident that no misunderstanding could arise between them on the subject.

The committee then left Utrecht, promising to co-operate with Colonel Wood to the full extent of their power.

I certify the above is a faithful account of what transpired.

(Signed) Evelyn Wood, Colonel.

Utrecht, 5th December 1878.

[B.]

Landdrost's Office, Utrecht, Transvaal,
December 4, 1878.

The committee nominated by the meeting assembled, and empowered to act on the invitation of the honourable Colonel Wood, for the purpose of drawing up the conditions under which the burghers would probably serve against the Zulus; consisting of Messrs. J. C. C. Mol, H. T. Bührmann, E. J. Van Röoyen, P. W. Jordaan, P. L. Uys, F. Johnstone, J. L. Van Reenen, elected Mr. J. C. C. Mol as chairman, and proceeded to pass the following resolutions:—

First Resolution.—Proposed by Mr. H. T. Bührmann, and carried unanimously: That the officer who may be authorised so to do, shall request the field coronets to invite all the burghers who are fit for active service to take the field against the Zulus in case of war.

The field cornets are to make a list of those who are willing to receive pay, and those who are willing to serve without pay. These lists to be given to the proper authorities.

Second Resolution.—By Mr. P. L. Uys: That the hire of all waggons and oxen necessary for the provisions and equipment of the burghers taking the field, be duly paid for, according to the existing law of the country; and further, that all losses occurring to waggons, oxen, or horses be made good, according to their value as may be duly estimated by competent judges.

Third Resolution.—By Mr. J. L. Van Reenen: That the Government provide ammunition for the burghers on their mustering, as they have none since the importation and sale of such has been prohibited since 1877. Also, that those who do not possess guns shall receive them.

Fourth Resolution.—By Mr. J. L. Van Reenen, and amendment of Mr. H. T. Bührmann. As regards the booty which may be taken from the enemy; it shall be distributed amongst those burghers who capture it, and the same rule shall apply to other forces, because the burghers are unwilling to share booty with the military, unless such have assisted in its capture.

Fifth Resolution.—Of Messrs. H. T. Bührmann and F. Johnstone. All who take the field shall remain in the field until the end of the operations, or until the commando is dissolved. Notwithstanding such as have lawful excuse may depart with the sanction of the field cornet and Commandant.

Sixth Resolution.—By Mr. J. C. C. Mol: All provisions shall be found by the Government.

Seventh Resolution.—By Mr. H. T. Bührmann: The burgher force shall be com-

manded by its own officers, in conformity with the laws of the country; but it shall receive all orders as to its movements by the General or other officer in command of the operations, which must be obeyed.

Eighth Resolution.—By Mr. J. L. Van Reenen: A sufficient number of medical officers shall be sent with the burgher force.

Ninth Resolution.—By Mr. G. J. Van Rooyen and Mr. H. T. Bührmann: Whereas we are in ignorance of the time when the burghers may have to go out, and it will be necessary that all concerned be informed, it is suggested that if our propositions be accepted, notice may be given through the field cornets, if possible, in print, throughout the country. And when due notice has been given, as provided for in the first resolution, such (burghers) as shall not join at first shall participate in all advantages and come under the above rules from the date of their joining.

Tenth (General) Resolution.—The Committee is of opinion that if these suggestions be adopted, the burghers and inhabitants will be willing to take the field against the Zulus.

These resolutions have been signed by us and read to the meeting, which has approved of them, and we, members of the Committee, trust that they will meet the approval of all the experienced burghers of this country, and that all will co-operate to bring the common foe to obedience and civilisation; and we wait for Colonel Wood's approval in writing on these our suggestions.

(Signed) J. C. C. Mol,
Chairman.
P. L. Uys, Senior.
F. Johnstone.
J. S. Van Reenen.
G. J. Van Rooyen.
P. W. Jordaan.
H. T. Bührmann,
Member and Secretary.

To Hon. Colonel Evelyn Wood
at Utrecht.

Landdrost Kantoor te Utrecht, Transvaal,
December 4de, 1878.

De Kommissie benoemd door het alhier aanwezig publiek, daartoe gemagtigd door de oproeping van den Weled. Gestrengen Heer Kolonel Evelyn Wood, ten einde voorwaarden optestellen, waaronder de Burgers denkelijk zullen optrekken tegen de Zulus.

Vergaderd alhier, bestaande uit: De WEd. Heeren J. C. C. Mol, H. T. Bürhmann, E. J. van Rooijen, P. W. Jordaan, P. L. Uijs, F. Johnstone en J. L. van Reenen.

Als Voorzitter gekozen de WEd. Heer J. C. C. Mol.

Eerste voorstel, gedaan door de Heer H. T. Bührmann, en eenparig aangenomen:—Dat door de Hoofd Officieren daartoe gemagtigd, aan alle Veldkornetten het verzoek gedaan worde, om alle Burgers die bekwaam zijn tot krijgsdienst uittenoodigen om behulpzaam te zijn in geval van oorlog tegen de Zulus. Dat zij die verlangen om betaling voor die krijgsdienst te ontvangen door de Veldkornetten op eene lijst aangeteekend worden; en zij die geen betaling willen ontvangen, op eene afzonderlijke lijst, en welke lijsten aan de daartoe bevoegde ambtenaren, of officieren afgeleverd zullen worden.

Tweede voorstel, gedaan door den Heer P. L. Uijs:—Dat alle wapens en trek-ossen benoodigd voor en ten behoeve van de op dien oorlog uitgaande Burgers en ingezetenen behoorlijk betaald zullen worden, volgens bestaande landswet. En verder alle schade aan wagens, trekvee, en paarden behoorlijk betaald, of vergoed zal worden volgens waarde behoorlijk getaxeerd door bevoegde personen.

Derde voorstel, gedaan door den Heer J. L. van Reenen:—Dat het Gouvernement alle benoodigde ammunitie moet verschaffen aan degenen die op dat Komando gaan gedurende den geheelen oorlog, en dat wel alreeds waar de eerste bijeenkomst is, hun behoorlijk daarvan zal voorzien, doordien de Burgers van dit land geen ammunitie bezitten, doordien de invoer en verkoop daarvan sinds 1877 belet is. Verder dat zij die geene geweren bezitten van behoorlijke geweren voorzien zullen worden.

Vierde voorstel, gedaan door den Heer J. L. van Reenen, met het amendement van den Heer H. T. Bührmann aangaande den van den vijand te nemen Buit:—Dat alle van den vijand te nemen Buit verdeeld zal worden onder de Burgers die zulks nemen, doordien de Burgers niet met de Militairen buit willen deelen, tenzij zij het gezamenlijk, elkander helpende, afnemen.

Vijfde voorstel, van de Heeren H. T. Bührmann en F. Johnstone:—Dat alle die op den Zulu oorlog gaan, zullen moeten blijven tot op het einde, of tot den tijd dat het Komando bedankt wordt. Echter zullen zij die wettige redenen hebben om naar huis te moeten gaan aanzoek daartoe mogen doen, en zal zijn Veldkornet en Kommandant geregtigd zijn om zulk verzoek aan te nemen.

Zesde voorstel, van den Heer J. C. C. Mol:—Alle benoodigde levensbehoeften moeten door het Gouvernement verschaft worden.

Zevende voorstel, door den Heer H. T. Bührmann:—Het Burger Komando moet gaan en bestuurd worden door zijne eigene Officieren volgens de oude bestaande Landwetten, echter zullen de orders, hoe en waar het Burger Komando moet heentrekken door den Generaal of Kommanderenden Hoofd Officier van het geheele leger gegeven en opgevolgd moeten worden.

Achtste voorstel, van den Heer J. L. van Reenen:—Dat met het Burger Komando een genoegzaam getal bekwame Doctoren in Heelkundigen zamen gezonden zullen worden.

Negende voorstel, door den Heer J. L. van Röoijen et H. T. Bührmann:—Dat doordien ons niet bekend is wanneer dat Komando moet uitgaan, en zulks ook eerst onder het publiek bekend gemaakt moet worden:

Zoo wordt voorgesteld, dat indien deze onze voorstellen goedgekeurd worden, dezelve dadelijk aan de Veldkornetten in het geheele land gezonden en door afdrukken hiervan, overal verspreid moeten worden, en dat indien de oproeping als in afdeeling één vermeld is, gedaan wordt, en alle gewilligen in dit land of van anderen Staten in Zuid Afrika niet dadelijk kunnen gaan, dat dan degenen die later komen, van af den dag van hun aankomst by het Leger deelen zullen in alle regten en aanspraken, even als de vroeger gekomenen.

Tiende:—De Kommissie is van gevoelen dat indien deze voorstellen opgevolgd worden, de Burgers en Ingezetenen wel gewillig zullen zijn om op het Komando tegen de Zulus te gaan.

Aldus door ons gedaan en geteekend om voor te lezen aan het aanwezige publiek.

Verder Notuleeren wij, dat het bovenstaande ook aan het bijeengeroepen publiek voorgelezen en door hen eenparig goedgekeurd is—en dat wij, leden der Kommissie, op grond hiervan vertrouwen dat het de goedkeuring zal verkrijgen van alle verstandige Burgers in dit land, en dat allen zamen zullen werken om den algemeenen vijand (Kaffers) tot gehoorzaamheid en beschaafdheid te noodzaken, en verwachten Kolonel E. Wood's goedkeuring schriftelijk te ontvangen op deze onze voorstellen.

(Geteekend) J. C. C. Mol,
Voorzitter.
P. L. Uijs, Senr.
F. Johnstone.
J. L. van Reenen.
E. J. van Röoijen.

Aan den Wel-Ed. Gestr. Heer Evelyn Wood,
Kolonel, enz., enz., thans te Utrecht, Transvaal.

(Geteekend) P. W. Jordaan.
H. T. Bührmann,
Lid en Secretaris

Gentlemen, Utrecht, December 3, 1878.

Are you willing for yourselves to accept and advocate the acceptance by your friends of Local G. O. 196, 14th Nov. 1878, as I read it yesterday, bearing in mind that it is the Officer Commanding the operations who will decide what troops share in prize of war?

(Signed) Evelyn Wood,
Colonel.

(Translation.)

Approved and signed by order of the Committee above named.

H. F. Bührmann,
Member and Sec.

Enclosure 2. in No. 57.

Minute for his Excellency the Lieut.-Governor of Natal.

I think we must supplement the messages to Cetywayo by an intimation of the time and place where the persons and fines demanded must be surrendered and paid.

If his Excellency the Lieut.-Governor of Natal agrees with me, I shall be obliged if he will give orders for a suitable message to be drawn up, and delivered through one of the frontier headmen with the least possible delay.

It will be sufficient to remind Cetywayo that the 20 days will expire on the 1st of January, and the 30 days on the 10th of January; that we shall expect the persons and cattle demanded to be ready for delivery at the Lower Tugela Drift on those days.

If for any special reason, Cetywayo wishes to deliver them at any other place than the Lower Tugela Drift, he must give due notice. But rigid punctuality with regard to time will be insisted on, and unless observed, such steps as may appear necessary will be immediately taken to insure compliance.

The delivery of either persons or cattle, should be to the officer commanding the troops on the frontier, whose written receipt will be furnished to Cetywayo's messengers, and will be the only evidence accepted by Government as proof of compliance with its demands.

I will ask his Excellency the Lieut.-General Commanding, to issue the necessary instructions to officers commanding all frontier outposts, and I shall be obliged if his Excellency the Lieut.-Governor will kindly give instructions to all magistrates and agents on the frontier to assist the military frontier officers as far as may be necessary, in taking charge of prisoners or cattle.

(Signed) H. B. E. Frere,
High Commissioner.

December 16, 1878.

Enclosure C.

Summary of Instructions for Officers Commanding Columns in the event of Cetywayo not giving up the Sons of Usirayo and paying the fine of Cattle on or before the 1st January 1879.

Colonel Pearson.

Fort Pearson, which commands the drift of the Lower Tugela, will retain its garrison of blue jackets. The remainder of the column will cross the river and camp on the Zulu side under the protection of the guns of the fort.

If a further advance of the column be ordered, it should be to the Tyve (Ekowe) Mission Station (40 miles), or to such point in its neighbourhood where the road to Eutumeni branches off; here should be an advanced depôt, well entrenched. It will be held by a portion of one of the new battalions from England.

Colonel Durnford's column will form a portion of this column, but will act separately. Daily reports will be sent from it to Colonel Pearson.

Colonel Durnford.

This column will remain on the Middle Tugela frontier until an advance is ordered, when it will detach a battalion towards Fort Pearson (Thring's Store).

It will probably be impossible to cross the Tugela with waggons at any spot above Lower Tugela Drift, as the river will be in flood. Colonel Durnford's column must therefore cross at that spot, but he will not do so until he hears that Colonel Pearson has reached the point referred to, where the road to Eutumeni branches off, and that there is no large force of the enemy between Middle Drift and Eutumeni Mission Station. This is to be the first objective point for this column (six days' march). The defence of the frontier will be undertaken by the Colonial Government.

Arrived at Eutumeni, communication must be opened with Colonel Glyn's column near head waters of Umhlatoosi. Unless supported by British troops this column is not to engage seriously a large force of the enemy.

Colonel Pearson will next move to Kwamagwasa, but the Umhlatusi River should not be crossed until Wood's column is known to have reached the Inhlazatze Mountain, and that of Colonel Glyn has reached the Upper Umhlatusi.

Colonel Wood.

This column will advance to the Blood River.

N.B.—The civil authorities on the border will take every care to warn the Zulus that our first advance need not be deemed hostile, but that no collection of armed natives in the vicinity of our forces can be permitted; no act on our part to unnecessarily bring on hostilities should be permitted.

In any subsequent advance every effort is to be made to induce the tribes who are averse to war to come under our protection. Stores should be sent to the rear and a special civil officer told off to locate and feed them.

In the event of this further advance, Colonel Wood's advanced depôt should be near the intersection of the roads from Utrecht to Ulundi, and from Rorke's Drift to Swaziland.

From this point the next move will be the Inhlazatzi Mountain; this strong position once seized can be held by a small force. Some Royal Engineers, if they arrive in time, will reinforce this column for this purpose.

Colonel Glyn.

This column will not advance until the full 30 days' grace has expired; it will then cross by Rorke's Drift. The river will probably be impassable, but the two pontoon bridges about to be placed there will enable the passage to be effected without trouble.

On the advance being ordered it will require two days for this column to reach a good military position. After leaving this point special arrangements will be necessary for carriage of fuel, as no wood is to be found.

The question of a site for an advanced depôt will depend on what is found to be the nature of the country and its military capabilities. It might possibly be found beyond the Isipizi Mountain, on the upper water of the White Umvelosi. This depôt must be strongly entrenched, as its garrison must be small.

Communication will be kept up with the columns on left and right.

(Signed) CHELMSFORD.

Enclosure D.

CONSTITUTION of COLUMNS.

Colonel Pearson.

Lieut. Lloyd, two guns (mule), R.A.
The "Buffs," Lieut.-Colonel Parnell.
Natal Volunteers (say 200).
2nd Regt. N.N.C. (two battalions), under Major Graves.
The "Buffs."
Naval Brigade, under Commander Campbell, R.N., to be reinforced by one company R.E. and one battalion from England (six companies).

Lieut.-Colonel Durnford.

Rocket Battery, two tubes, under Capt. Russell, R.A.
1st Regt. N.N.C. (three battalions).
Five troops mounted N.C.

Colonel Glyn.

Six guns R.A., Major Harness.
Two squadrons Imperial Mounted Infantry, under Major Russell.
1/24th, six companies, under Lieut.-Colonel Pulleine.
2/24th, eight companies, under Lieut.-Colonel Degacher.
Natal Volunteers (say 200) } Major Dartnell.
Natal Police (say 150) }
3rd Regt. N.N.C. (two battalions), Commandant Lonsdale.
To be reinforced by half a company R.E.

Colonel Wood.

Four guns R.A., Major Tremlett.
1/13th, Lieut.-Colonel Gilbert.
90th Light Infantry, Major Rogers.
Frontier Light Horse, Major Buller.
Native Contingent (say 200).
Dutchmen (doubtful).
To be reinforced by half a company R.E.

No. 58.

GOVERNOR THE RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Jan 29, 1879.)

High Commissioner's Office, Pietermaritzburg,
SIR, December 27, 1878.

HER Majesty's Government is aware that there is a considerable party in Natal and in the Cape Colony who have taken, and advocated in the public press, views regarding Zulu affairs strongly opposed to the use of coercion in order to enforce compliance with our demands on Cetywayo.

2. The party referred to is strong in numbers and many of its members in intellectual power and in genuine philanthropic intention. The views they take, very erroneous as they seem to me, may be in some degree owing to the want of publicity of native affairs, both here and in the Transvaal, but they are still more due to what appear to me to be very mistaken ideas regarding the history of our relations with the Zulus and the character of the present Zulu Government.

3. My previous Despatches have detailed many of my reasons for believing that our own safety in Natal imperatively requires an entire change in the military system of the Zulus; that we live at present on sufferance in what is practically an armed truce, and that, if we desire either peace or security in Natal or the Transvaal, or prosperity in Zululand, we must come to a clear understanding with Cetywayo, whether this part of South Africa is to be governed on Chaka's principles or on those of the English Government.

4. I need not observe that the subject of our future relations with the Zulus has in times past been somewhat complicated by questions regarding the comparative independence of the Zulu nation, entitling them, as is asserted, to as much misgovernment as they choose to bear without assassinating their tyrant.

5. In historical papers I have lately submitted from Mr. Brownlee and Sir Theophilus Shepstone will be found the very strong arguments for the opposite position, that since the Boers and their allies destroyed Dingaan and set up Panda in his stead in 1838 Zulu independence in any legal or diplomatic sense had entirely ceased, and only a shadow of it remained during Panda's reign, while he played off Natal against the Transvaal, and while professing himself the submissive child of the British Government, he sought to emancipate himself from dependence on the Transvaal.

This question of comparative independence is, however, of little moment at present if I am right in believing that the true ground of our present dealing with the Zulus is a regard for our own safety and for the instincts of self preservation.

6. There are, however, other points which have been much discussed here in South Africa, and which I will briefly mention, as they may be brought before the notice of Her Majesty's Government in England.

Public writers who belong to the party I have described, occasionally speak as though we had "provoked" the Zulus by the assemblage of an unusually large force in Natal, and some well informed persons in Natal talk and write as though the Transvaal has been the sole cause of our Zulu difficulties, and argue that, if the Transvaal had not existed as a separate Republic, or had not been annexed, we should never have had any Zulu difficulty at all.

7. I cannot say I see any grounds for this belief. It is of course practically useless now to speculate on what might have happened had the Transvaal never existed or never been annexed, but a well grounded mistrust of the Zulus and misgiving as to what our own Natal Kafirs might do in the event of any difference with the Zulus has been a widespread and strong feeling not only in South Africa but in England for many years before the Transvaal was annexed.

8. It was no new feeling of alarm which exploded so suddenly at the time of Langalibaleli's affair; the feeling of uncertainty and insecurity had more or less acted to prevent settlement in Natal for many years previous, and I believe from the very earliest establishment of the Natal Government opposition to the Government of the day was mainly based on the assertion that the existing native management did not give adequate security for the safety of European life and property, either in Natal or Zululand. I believe that there can be no doubt that Zulu "scares" have been of almost annual recurrence; that which followed Langalibalele's exodus was, I believe, one main cause of Sir Garnet Wolseley's being sent to Natal with reinforcements, and the measure was then met by the same ill-considered criticism and assertions that we were "provoking the Zulus."

9. It seems to to me require little argument to support my conviction, that no peaceful and thriving community like the European population of Natal can be safe alongside a

barbarous military power like that of the Zulus without a large and regular European garrison, considerably exceeding what has till lately been stationed in the Colony.

Hence I have never seen any reason to doubt the soundness of my first impressions on arrival in Natal, that even with a couple of British regiments at hand, the situation was extremely critical, and that the preservation of peace depended mainly on Zulu sufferance.

10. It seems, therefore, to me extremely unreasonable to talk of our increasing our force in Natal as an unjustifiable "provocation" of the Zulus. It appears to me to be a most necessary measure of self-defence, to which none but the most misplaced ingenuity could find exception.

11. But it has been asked "Why place the troops in threatening positions on the "Zulu border?"

Simply, I would answer, to prevent risk of a repetition by the Zulus of their old habit of making sudden devastating attacks, in which they massacred men, women, and children, and swept off cattle from many miles within the Natal border. There are many middle-aged men and women still living in Natal who narrowly escaped with their lives from such massacres, and tales of Zulu prowess in those times are still told by actors in them to admiring audiences of young Zulu soldiers.

It seems to me almost childish to expect Europeans in Natal to feel security of life or property when the only changes they can hear of in Zulu habits or aspirations is in the possession of large numbers of improved firearms, and in an earnest desire to use them against the whites.

12. Much of the objection to the use of any weapons stronger than logic against the Zulus is based on an assumption that whatever we may think of Chaka, Dingaan, or Panda, we may trust the promises and good intentions of the present Zulu King.

It may suffice to explain my own mistrust of him to say that while I have met many irresponsible persons who talk after the fashion I have described, I have not yet met in conversation or in writing with a single one who could tell me of any act of justice, mercy, or good faith, or of anything approaching to gratitude which had ever been related by a credible witness of the present King. The monster Chaka is his model, to emulate Chaka in shedding blood is as far as I have heard his highest aspiration.

13. As I have said on a previous occasion, I judge of his probable future by the past, and I need refer to no other witness than himself in such declarations as wind up his correspondence with the Government of Natal regarding the massacre of many hundreds of Zulu girls and their relations, of which the sickening details will be found in the Parliamentary Blue Books of April 1877, pages 199 to 216.

14. We have heard much lately of the King's having denied having made any promises of improved and more merciful administration at the time of his coronation. I should have thought that Sir Theophilus Shepstone's well-known official report of the coronation proceedings would have set such questions at rest for ever. But if any confirmation be required, I would suggest a reference to the very interesting report by the Norwegian Bishop Schreuder of his subsequent visit to the King, when, at the request of the Lieutenant-Governor of Natal, the Bishop gave and carefully translated to the King a copy of the report, and explained its contents with great minuteness and formality. The Bishop's report will be found at pages 30–35 of the Parliamentary Blue Book of February 1876 [C–1401. 1].

15. Whether it was wise in 1873 to rely on such promises as any ground for our support to the King is a different question, but it seems to me absurd to doubt that Cetywayo made the promises voluntarily with a full understanding of their import.

16. He has since been repeatedly and faithfully reminded of them. He at first professed gratitude for such reminders and an intention of doing all he promised. He has since repudiated his promises and glories in his determination not to be bound by them. We have not a shadow of an excuse for doubting that he is in his later utterances expressing his real intention to resume the most sanguinary of his predecessor's practices.

17. It is, I think, superfluous to argue that, having taken those promises as a condition for affording our help in imposing such a tyrant on the Zulu people, it is now our bounden duty to see that he performs his promises or makes way for administration which will afford to Natal and Zululand the very moderate degree of security for life and property which the people of both countries desire.

I have, &c.

(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State,
Colonial Office.

No. 59.

GOVERNOR the RIGHT HON. SIR H. B. E. FRERE, BART., G.C.B., G.C.S.I., to the RIGHT HON. SIR MICHAEL HICKS BEACH, BART. (Received Jan. 30, 1879.)

High Commissioner's Office, Pietermaritzburg, Natal,
December 27, 1878.

SIR,

I HAVE the honour to forward a copy of a letter from Mr. John Dunn, with subsequent Memoranda by his Excellency the Lieutenant-Governor of Natal and myself on the question of conceding an extension of the time fixed for compliance with our demands that the Zulu King should surrender for trial the offenders in a case where two women were taken out of a police kraal in British territory, and subsequently, it is said, murdered, and that certain fines of cattle should be paid for non-compliance with repeated demands for their surrender.

I trust that the course I have directed to be taken will, for the reasons given in my second Memorandum, be approved by Her Majesty's Government.

I have, &c.
(Signed) H. B. E. FRERE,
Governor and High Commissioner.

The Right Hon. the Secretary of State,
Colonial Office.

Enclosure 1. in No. 59.

Mr. J. R. DUNN to the Hon. SECRETARY FOR NATIVE AFFAIRS.

Zululand, December 18, 1878.

SIR,

I HAVE the honour to write for the information of his Excellency the Lieutenant-Governor, and state that runners of mine that I despatched to communicate with the King on the demands made of him by his Excellency returned to-day with a message from the King requesting me to write and say that he agrees to the demands of giving up Sirayo's sons and brother and the fines of cattle, but begs that, should the number of days (twenty) have expired before the arrival of the cattle, that his Excellency will take no immediate action, as owing to the many heavy rains we have had since the meeting of his Excellency's Commissioners and his indunas they have not been able to reach him yet, and Sirayo's sons being at their kraals, which are some way from him, it will take some days to send for them.

On the other demands he will give his answer on consulting his indunas.

I have, &c.
(Signed) J. R. DUNN.

The Hon. the Secretary for Native Affairs.

REPORT of ACTING SECRETARY FOR NATIVE AFFAIRS on letter of Mr. JOHN DUNN, conveying message of CETYWAYO and dated 18th inst.

Office, Secretary Native Affairs,
December 23, 1878.

CONSIDERING that Cetywayo has had four clear months since he received the Lieutenant-Governor's request to send in the sons and brother of Sirayo the excuse now made is a mere pitiful evasion.

(Signed) J. W. SHEPSTONE,
Assistant Secretary Native Affairs.

Enclosure 2. in No. 59.

MEMORANDUM in answer to Mr. DUNN's letter.

December 24, 1878.

I WOULD express satisfaction at the receipt of his letter, but inform Mr. Dunn that the word of Government as already given cannot now be altered.

Unless the prisoners and cattle are given up within the term specified, Her Majesty's troops will advance; but in consideration of the disposition expressed in Mr. Dunn's letter to comply with the demands of Government the troops will be halted at convenient posts within the Zulu border, and will there await the expiration of the term of 30 days, without in the meantime taking any hostile action unless it is provoked by the Zulus.

(Signed) H. B. E. FRERE,
High Commissioner.

Enclosure 3. in No. 59.

MEMORANDUM.

December 26, 1878.

ON the subject of Mr. Dunn's letter of the 18th instant, I would observe that 20 days is amply sufficient time to allow of the handing over of the 600 head of cattle. It is also, I think, sufficient time to enable the King to hand over Sirayo's sons, who, as he states, are at Sirayo's kraal, provided that he may hand them over at Rorke's Drift, in the neighbourhood of which Sirayo's kraal is. It may, however, be found hardly sufficient time, now that the place appointed for their being handed over is the Lower Drift, to enable the King to bring down the men from Sirayo's kraal which is in the upper part of the Zulu country, to the Lower Tugela Drift which is in the lower part of the country.

2. An extension of seven days' time would however sufficiently cover all the difference caused by the limitation of the place for the delivery of the men and cattle to the Lower Tugela Drift.

3. Apart from this, I should in any case be disposed to recommend, in the event of the men and cattle not being handed over within the 20 days named, that action be not taken upon that failure of compliance until after the expiration of the 30 days, which is the period given for the consideration by the King and nation of the other important conditions laid down in message No. 2. I am in favour of this course because, if action is taken immediately after the 20 days, and British troops cross the border into Zululand, the act is an act of invasion and declaration of war; and however much the act might be justified by the rigid rule of adherence to our part of the letter of the communications made to the King, it would assuredly at once put an end to, and prevent the consideration by the King and nation of those other important conditions for the consideration of which a period of 30 days was given.

4. We ought, I think, to give the King the full period which he was informed would be given for a consideration of the important matters put before him and the nation. That period is 30 days, and it is only 10 days over and beyond the shorter period fixed for the surrender of Sirayo's sons. If we do not give him that full time, but take action after the 20th day, we shall by our own act be cutting short that period of time which we ourselves gave him for the consideration of the terms laid down.

5. By the end of 30 days it will be clearly seen if the King is not sincere in the promise he has now made to give up the men. But if action is taken after the 20 days it will probably not be known if he was sincere or not. There will be the confusion of war, and it will be open for him to say that he would have given the men up, but that the 20 days was not a sufficient time to enable him to send for the men, and to deliver them up at the particular place appointed, that place being too remote from their place of residence.

6. The King may not be sincere in his promise to give up the men, but it seems to me that by taking action in anticipation we shall prevent him showing either his sincerity or insincerity in this matter.

7. On the one hand, if he intends to act rightly, shall we not by taking action after the 20th day prevent him acting rightly. On the other hand, if he intends to act wrongly shall we not by taking action after the 20th instead of after the 30th day, prevent him giving the proof of his wrong intentions.

8. By waiting the 30 days we shall certainly put him in the wrong if he intends wrong; whilst by not waiting the 30 days it is doubtful if he can be proved to be in the wrong however wrongly he may intend.

9. If upon the expiry of the full period of 30 days neither the men demanded are given up, nor the fine of cattle be paid, nor any satisfactory answer be given to the conditions, or if there is a failure in any of these respects, then it may beyond doubt be held that the King has put himself in the wrong; that he means to evade the terms, and that it is necessary to take the action required to give effect to the demand.

10. In expressing myself in favour of postponement of action until the expiration of the 30 days period, I am not insensible of the disadvantages of delay. But I consider that the reasons given above outweigh any reasons, so far as I know them, for taking action before the expiration of the 30 days.

11. Of course in giving these reasons I have done so irrespective of the military situation. If there are cogent military reasons for taking action after the 20th day, then of course the reasons I have named must give way to the more cogent military reasons.

(Signed) H. BULWER.

Enclosure 4. in No. 59.

MEMORANDUM on the messages delivered to CETYWAYO's messengers on the 11th instant.

December 28, 1878.

I HAVE mentioned to his Excellency the Lieutenant-Governor my conviction that unless Cetywayo complies with all our first demand by delivering up for trial the offenders who violated British territory, and paying the fines demanded at the end of the 20 days allowed him, we shall not be justified in granting any further extension of time for compliance.

2. In placing the future enforcement of our demands in the hands of the Lieutenant-General Commanding the Forces, I have arranged with Lord Chelmsford that, till the 30 days allowed for the consideration of our further demands are expired, the protection of our own frontier from invasion should be our first object, and that if within the thirty (30) days allowed for the intimation of Cetywayo's unreserved compliance with all demands his Excellency should find that the prisoners demanded have been surrendered and the fines paid, his troops, if advanced meantime at the expiration of the twenty (20) days, will take up such positions, if necessary, within Zululand as his Excellency considers most safe and convenient, in a military point of view, for the protection of Natal from invasion, and will not advance further till the whole of the 30 days shall have elapsed without compliance with our demands.

3. My reasons for thinking that is our imperative duty are briefly these:—

Our demands on Cetywayo were purposely, and I think very properly, divided by his Excellency the Lieutenant-Governor in his message into two classes.

The one class, the demands for reparation and punishment of offenders on the matter of violations of territory, were demands with which Cetywayo has personally power to comply at once, without reference to his council or to anyone else. These were demands regarding the perfect justice of which there could be, in our minds, no doubt whatever. The most important of them, the surrender of Sirayo's sons, had been first made as far back as the 1st of last August, it had been repeated since, Cetywayo has consequently no shadow of excuse or pretence for saying that he has not had full time to consider the question in all its bearings, and his omission to comply with our final demand cannot be regarded in any other light than that of a refusal to afford the only redress we can accept with any regard for the honour of our nation or for the permanent safety of this Colony.

4. These demands were, in fact, test demands, which would show clearly whether Cetywayo wished for peace or war with us, whether he would do justice by us as we wished to do by him; whether he would consider in a friendly spirit the newer and more difficult questions involved in other demands.

Twenty days was, I hold, more than ample time to allow him to evince in some practical manner the sincerity of any intention to comply with our demands.

5. The other class comprised demands of a wider scope likely to be acceptable to the mass of the Zulu people, but no doubt distasteful to the King and to some of his great Chiefs. A longer time was therefore reasonably allowed him for considering these demands and the consequences of not complying with them.

6. What has happened since the demands were made?

Mr. John Dunn writes a letter dated 18th, or a week after the Tugela conference; this letter reached Pietermaritzburg on or before the 23rd. It stated that his messengers had conveyed the messages delivered at the Tugela Drift to the King, and that the King had intimated his intention to comply with the demand for the surrender of Sirayo's sons and to pay the fines demanded, but required further time, the extent of which was not specified, and that he would consider the other demands with his council.

7. At the same time we receive from several distant points on the Zulu border reports indicative of this King's intention to summon his whole army to the Royal kraal prepared for immediate fighting. The summons is worded for attendance at the annual mealie feast, but the men are forbidden to bring their usual ornaments. They are to come only with arms and ammunition, prepared for active service.

A Chief on the Utrecht border who was employed in collecting cattle stolen from Dutch farmers with a view to their restitution, was desired to return them to the people who had stolen them, as it was not the King's intention to return cattle but to fight with the English. These reports come simultaneously from points at least a hundred miles apart as the crow flies, and may be relied on, as far as we can rely on anything from Zululand, as indicating the King's fixed determination not to concede any part of our demands.

8. If then the 20 days elapse without our demands being complied with, and without anything further occurring indicative of the King's intentions, what reason have we to

believe that he will comply with those of our demands which are in his power, and regarding which he need not consult his people?

9. We have simply Mr. John Dunn's assurance that he has a message from the King to say that he intends to surrender the offenders and give up the cattle, but that he requires an extension of the time allowed.

Does this give us any reasonable grounds for supposing that if Mr. Dunn correctly reports the message received, it in any way binds the King, or increases our chance of his doing what we require?

10. I think we must answer both questions in the negative. We have no reason to trust any promise of the King, least of all an informal verbal promise thus conveyed to us.

11. For these reasons, I can at present attach no weight to the King's professions conveyed by Mr. Dunn. I believe he sends them simply to gain time, and I would not swerve from the terms we have already communicated to him.

It seems clear to me that we have every reason to conclude from his action, that if he does not comply with our demands by the 1st January he has no intention of complying with them at all.

12. But it may be asked, are we not bound to the terms of our message to the King, to wait for 30 days before taking action to compel compliance with our demands?

I think clearly not. The demands for redress for the violation of territory stand quite alone.

Compliance or non-compliance with them is the test of friendly intention or of hostility. If complied with we may reasonably give the further 10 days to consider the more difficult questions of future reform. If not complied with, it would be vain to expect compliance to the more difficult and distasteful demands.

13. We have, I hold, a clear right to act at once, as soon as the term for compliance with our test demands expires without the demands being complied with, and I think it equally clear that we are bound not to extend the term unless we have reasonable grounds for expecting by so doing to obtain compliance with the whole.

14. If we allow him ten (10) days more, what, as far as we can now judge, is likely to be the use of the additional time? We have every reason to suppose, from all we can hear, that he is assembling at his capital not the old men and councillors, who would probably be for peace, but his fighting men, equipped for war. Ten (10) additional days allowed him may enable him either to invade some part of British territory or to strengthen the garrison and defences of his capital. In either case there must be extra expenditure of life before he can be brought to reason.

15. Does our belief in his good intention justify us in incurring the risk of this extra loss of life? I think clearly it does not justify us. I have no belief whatever in the King's professions unsupported by such acts as would alone justify reliance on the professions.

16. While writing the above, I received his Excellency Sir Henry Bulwer's Memorandum dated 26th December 1878. Part of it has already been answered in anticipation by the above remarks. With reference to the first paragraph I would further note that, as I have informed Sir H. Bulwer, there can be no objection to the delivery of cattle or prisoners at Rorke's Drift or any other point on the border more convenient to the Zulus than the Lower Tugela Drift, and I see no objection to their being so informed. It was necessary that we should in our message name one place, leaving them, if they really wished it, to propose another, the Lower Tugela Drift, as being on the most frequented road to the King's kraal, seemed the best place we could name. But we should have paid, and we shall pay, every attention to any representation of the Zulus, if another place would suit them better.

17. His Excellency Lord Chelmsford is so well aware of our reasonable intentions in this respect, that he has already informed me that after the expiration of the 20 days allowed, he will have to wait at least three days before he can hear from his officers commanding the advanced posts whether any surrender of cattle or prisoners has been made to them at any outpost, and that at least an equal period must elapse before he can send out his orders to move, and before any column can cross the border. It will thus be possibly a week after the expiration of the 20 days before the border could be crossed. I am well aware that for the sake of meeting all possible objections it would be very convenient to allow the full 30 days to elapse before actually crossing. But I should not feel justified in making any promise of delay to the Zulus, still less of delaying for a single day, if there were military reasons against it, or any apparent chance of advantage being taken of the delay by the Zulus to invade Natal and thus carry the war into our own country.

The extreme probability of Cetywayo attempting a diversion by ordering a raid into

Natal territory is, to my mind, an amply sufficient argument against losing a day in placing our troops in such positions as shall effectually lessen the risks of such an attempt.

18. It seems to me our bounden duty, after Cetywayo has failed to comply with the strict letter of our first and simplest and most just demands, to think less of what may be said in Cetywayo's behalf in excuse for his desire for more time, and to tender more highly the lives of Her Majesty's soldiers and subjects.

19. We have as yet nothing but a message through Mr. John Dunn to encourage a hope of even good intentions on the King's part, while every act of the King speaks of intention to fight to the last. I cannot see why we should strengthen his hands by delay, when the ample time we before allowed him for compliance with our demands is passed.

20. These opinions may of course be modified at the last moment by some clear indication of pacific intention on Cetywayo's part, but I would wish to lose no time in clearly stating my present conviction that we are bound to pay little attention to professions or promises unsupported by acts.

(Signed) H. B. E. Frere,
High Commissioner.

No. 60.

Governor the Right Hon. Sir H. B. E. FRERE, Bart., G.C.B., G.C.S.I., to the Right Hon. Sir MICHAEL HICKS BEACH, Bart. (Received Jan. 29, 1879).

High Commissioner's Office, Maritzburgh, Natal,
Sir, December 30, 1878.

During the last week nothing material, beyond what has been already reported, has been heard from Cetywayo. A variety of reports from different quarters and through different channels have reached the border magistrates and officers in charge of frontier posts.

2. As far as I can judge from those that have been reported to me, the messages and ultimatum conveyed to the Zulu envoys at the meeting at the Lower Tugela Drift on the 11th inst. have been more or less favourably received by some of the Chiefs, and such of the people as could understand their import. But Cetywayo has given no indication of any intention to accept them in their entirety.

As I have already reported, Mr. John Dunn, on the 18th, forwarded to the Lieutenant-Governor a message which he stated he had received from the King, intimating his intention of paying the fines, of giving up the offenders demanded in the matter of the violation of British territory, and of considering the other demands in council. He is stated to have collected cattle for the purpose; but it is useless to conjecture whether he will do more in the way of compliance than sufficient to support excuses for asking for delay. The time fixed for the delivery of the offenders expires on the 31st inst., and I shall then in the event of noncompliance place the further enforcement of all demands in the hands of his Excellency the Lieutenant-General Commanding Her Majesty's Forces in South Africa.

4. The most reliable accounts we have received regarding the Zulu army represent that two regiments (the N'Kotamakosi and Umcitya), numbering 15,000 men, are posted near the Lower Tugela Ford, opposite Colonel Pearson's column.

Three regiments (the Udududu, Nokenke, and Umbonambi), numbering 5,000, are to occupy the N'kandhla, and operate against the column at Fort Buckingham (Colonel Durnford's), whilst two regiments (the Udhloko and N'dhlondhlo), numbering 3,400 men, with Usirayo's people, are to operate against the Helpmakaar column (Colonel Glyn's), the remainder of the Zulu army being assembled at Sindandkoru, the King's kraal, or its neighbourhood.

5. There are reports of numerous refugees crossing the border, and his Excellency the Lieutenant-Governor has made arrangements for having them cared for, registered, and forwarded to the interior.

6. There can be no doubt that the position is a very threatening one, and that the smallest raid of Zulus into Natal would cause a very disastrous panic throughout the Colony. It will be necessary to place Her Majesty's forces in such positions as shall protect the Colony, as far as possibly, from this risk, but I am extremely desirous that no active operations should be undertaken which can with safety be deferred till the expiration of the full period of thirty days shall have extinguished the last hope of compliance with all our demands, as well those which were intended to obtain reparation

for the past violations of British Territory, as those which aimed at establishing security for the future, in the better and more peaceful government of the Zulu people.

I have, &c.

The Right Hon. the Secretary of State, &c. &c. &c.

(Signed) H. B. E. FRERE,
Governor and High Commissioner.

No. 61.

J. GORDON SPRIGG, Esq., to the Right Hon. Sir MICHAEL HICKS BEACH, Bart. (Received January 30, 1879.)

Colonial Secretary's Office,
Cape Town, Cape of Good Hope,
January 4, 1879.

Sir,

In continuation of my letter of the 24th December* I have the honour, in the absence of his Excellency Sir Bartle Frere, to transmit for your information the accompanying copy of a letter from Mr. Attorney-General Upington, containing his remarks upon the judgment of the Supreme Court of this Colony in the case of the Queen *v.* Cottman and others, being an application for a review of the sentence passed upon certain members of the Cape Mounted Riflemen for an alleged contravention of the provisions of the Act No. 9 of 1878.

I have, &c.
(Signed) J. GORDON SPRIGG.

The Right Hon. the Secretary of State
for the Colonies.

Enclosure in No. 61.

Attorney-General's Office, Cape Town,
January 3, 1879.

Sir,

In compliance with your request I have the honour to report, for your information, that the Supreme Court delivered judgment in the case of the Queen *v.* Cottman and others, on the 19th day of December 1878. The case came before the Court on an application for a review of a sentence passed by the Acting Resident Magistrate of Komgha, upon certain members of the force known as the Cape Mounted Riflemen, for contravening the provisions of Act No. 9 of 1878, in that they were guilty of offence No. 7 in the Schedule to that Act by refusing to serve in the said force. The case was not formally before the court, inasmuch as the time for prosecuting an appeal had elapsed, and no application for a review of the sentence could be entertained in consequence of Mr. Justice Smith having certified according to law that the proceedings were in accordance with real and substantial justice. I deemed it advisable however in the discharge of my public duty to waive all technical objections in order that the alleged grievances of the disaffected members of the force might be made public and an opportunity given to the accused of challenging, if they thought fit, the claim of the Government to their services.

The record of the proceedings in the court below disclosed the following facts: first, that on the day when the alleged offence was committed the accused were in open arrest; secondly, that at that time several members of the force were endeavouring to escape from their engagements to the Government under the technical objection that the enactment of Act No. 9 of 1878 absolved them from all service; thirdly, that the officer in command at Komgha acting upon a telegram from Lieutenant-Colonel Moore, the field officer in command of that wing of the Cape Mounted Riflemen, who was desirous of giving the men every opportunity of escaping from the false position they had taken up, had paraded the accused and put to them with the kindest motives the question, "Are "you willing to serve in the Cape Mounted Riflemen," to this question the accused respectively answered that they were not willing. The question left for the decision of the Supreme Court was, did such answer constitute a refusal to serve within the meaning of offence No. 7 in the Schedule above referred to.

I transmit herewith a copy of the "Cape Times" newspaper, published on 21st December 1878, which contains a substantially accurate report of the argument. The accused were represented by Mr. Jacobs, lately Attorney-General for the Colony, and one of the most experienced and able members of the bar, who made every possible point in their favour, but who was forced to admit that there was no ground whatever for the contention that his clients were not liable to serve in the Cape Mounted Riflemen. Mr. Jacobs readily granted the legality and sufficiency of Act No. 9 of 1878, but he contended that the accused never

* No.

intended to refuse duty in the Cape Mounted Riflemen, that the question put to them was calculated to mislead them, that a specific duty should have been assigned them, and that the answer to the question meant nothing more than that although they would serve, it would not be willing service. I must say that I was also of opinion that it would have been, at all events, more wise to assign to them a specific duty, upon refusal to perform which, according to the admission of their own counsel and the dicta of the Judges, they would have been clearly liable to punishment; but that course not having been adopted, the court thought that possibly the accused might have been misled by the way in which the question was put, and as the proceeding was in the nature of a penal one, the benefit of any doubt on this point was properly given to the accused. I confess I am not dissatisfied with the judgment under the circumstances, for although I have no doubt of the intention of the accused to decline to serve, it was only fair to give them the benefit of every doubt. I am glad that the case has come before the public, who will now clearly see that the Government have acted legally in every step they have taken, that no new offence is created by Act No. 9 of 1878 (a copy of which I send herewith), that no additional service is required and no new duty imposed. The Act is merely a consolidation of the old Acts relating to the Frontier Armed and Mounted Police, the only alterations being, first, that the name of the force has been changed in deference to the often expressed wish of great numbers of the men, who disliked the name of policeman; and secondly, that it has been made clear that the force may be used, as it always has been, without objection of any sort, for military purposes for the defence of the frontier against native attack. In the late war the Frontier Armed and Mounted Police were employed in military operations in defence of the frontier against the Galekas, and the Acts passed from time to time for the regulation of that force make provision in many places for the punishment of military offences.

The Schedule to Act No. 9 of 1878, which contains the offences, is copied verbatim from one of the old Acts. There is not a single additional military duty imposed, but nevertheless I have seen it stated in the press that some of the men are under the impression they are to be placed under some form of unnecessarily strict military discipline. The fear is purely imaginary. The new Act leaves the rights, duties, and liabilities of the men wholly unaltered, and, as you are aware, the regulations which are being framed under it, so far from imposing additional duties or hardships, confer great benefits on the force by securing additional comforts for the men and by otherwise ameliorating their condition.

I have, &c.
(Signed) THOMAS UPINGTON.

The Hon. the Colonial Secretary,
&c. &c. &c.

"Cape Times," 21st December, 1878.

SUPREME COURT.—SUMMER CIVIL TERM.

(Before his Honour Sir J. H. DE VILLIERS, C.J., and Justices FITZPATRICK and DWYER.)

Thursday, December 19—(*continued*).

EASTWOOD and others (Appellants); The QUEEN (Respondent).

Mr. Jacobs for the appellants; the Attorney-General for the respondent.

An appeal from the decision of the Resident Magistrate of Komgha. It will be remembered that one of the changes resulting from the recent war on the North-eastern Frontier was the passing by the Legislature of an Act reconstituting the Frontier Armed and Mounted Police, under the title of the Cape Mounted Rifles. Amongst the men in the former force were the appellants. On the 15th October, at a parade held by Captain Grant, the question was put, "Will you or will you not serve in the Cape Mounted "Riflemen for the remainder of the period for which you have engaged to serve in the "Frontier Armed and Mounted Police?" The present appellants all answered "No," whereupon they were arrested and charged before the Magistrate of Komgha for refusing to serve in the Cape Mounted Rifles.

Mr. Jacobs argued that did the words in the contract engaging them to perform certain duties "during the period for which they shall be engaged to serve" refer to the Mounted Police, then the men answer that they had never refused to serve in the Police; did it refer to the Cape Mounted Rifles, then they said they were never engaged to serve in the Cape Mounted Rifles. They said they had never refused duty, and that they understood the question put them by their officer to be one allowing them the option of serving in the Rifles or not.

The Attorney-General contended that when once the Legislature merged the Police into the Rifles, the men of the Police at once became Riflemen, and were bound to serve for the residue of the period for which they had engaged to serve in the Police.

The Chief Justice: Is there any substantial change in the duties to be performed in the two forces?

The Attorney-General: Not a particle of any description. The new Act is simply a consolidation of the old Acts.

The Chief Justice: But, Mr. Attorney, looking at the Acts I find at once an additional duty. After the police duties to be performed are enumerated in each, in the Act passed last session it is added, "and also as a military force for the defence of the "Colony."

The Attorney-General said that under the old Acts this had been a military force, and at all times the men were used for military as well as police purposes. In the schedule of offences under the old Acts, misbehaving in the presence of the enemy, and surrendering any fort or post to the enemy were among others punishable. Such offences were clearly military offences, and the old force was just as much a military force as the Mounted Riflemen. There were no changes proposed except changes favourable to the members of the force. There had been, as was well known, a great deal of feeling amongst members of the police who, acting upon bad advice, thought they saw a way of escaping from their engagements; and though he would be the last to wish to press any charge against them with undue severity, yet he must hold that their conviction was lawful. They undoubtedly endeavoured by all means to get out of the contract they had entered into, and it seemed there were some pretty acute lawyers amongst them, for they relied upon all sorts of technicalities, such as that the first arrest was a mistaken one. But suppose it so, they were summoned on parade and the officer in command said, "Now, "are you willing to serve in this new force for the remainder of your term of service "in the police?" And they said in effect, "No, we will not serve." Now was that an offence or not? He thought there could be no doubt about it. It was an offence to refuse to perform duty in the Cape Mounted Rifles, of which they were then members by operation of law. Had he been the officer of course he should have adopted a very different course, and instead of saying, "Will you do so and so or so and so?" he would have given them a specific order; but the fact of the officer being so kind as to give them the opportunity of getting out of their difficulty did not alter the legal position.

Mr. Justice Dwyer: Has not the term of service been increased under the new Act?

The Attorney-General: Not one hour. That is an entirely erroneous impression, though it seems to prevail in the English press.

The Chief Justice: What do you say about these words, "the period for which he "shall have engaged in the said force" [occurring in the Act constituting the Frontier Armed and Mounted Police].

The Attorney-General: I say that the Act by which the forces were merged did not affect the existing contract.

Mr. Jacobs submitted that the conduct of the men did not bear out the charge made against them, and the judgment of the magistrate. The men defied any one to produce evidence that they had refused to serve in the Rifles. They said the question was put to them as one of option.

The Chief Justice: Supposing these men engaged to serve in the olden Police and now desert from the Rifles, they cannot be punished under the second paragraph because they never engaged "to serve in the *said* force." So that we should have this anomaly, that they could not be punished for desertion, but they could be punished for disobeying any order however trivial.

Mr. Jacobs: But had any old policeman done duty in the new force I should say he would be liable to be punished. I do not desire to take any technical objections. My clients' grievance is that they are convicts, whereas they believe they were wrongfully convicted, and because they know they never intended to act criminally. He admitted his clients liability to serve in the Riflemen. There could be no doubt of that.

Mr. Justice Dwyer: If they receive the Governor's pardon they will not be criminals.

Mr. Jacobs: But they take a higher ground; they say they are not criminals now.

Mr. Justice Fitpatrick: I must say that if the conviction can be quashed, the men are quite right in preferring that to a pardon.

Mr. Jacobs: That is the feeling of my clients. Then I would refer your Lordships to Lieutenant-Colonel Moore's orders to his officers, "You are requested to ask each man "whether he will or will not serve in the Cape Mounted Rifles." It seems that if they said "Yes" it was all right; if they said "No" they were marched off to prison. It is monstrous that when an option is allowed them their decision in a particular direction should involve their being sent to prison.

The Chief Justice: Can you point out where it is said the prisoners never served in the Cape Mounted Rifles.

Mr. Jacobs replied that he could, and read from Captain Grant's evidence, in which it was distinctly stated that the men had not served in the Rifles.

The Chief Justice, in delivering judgment, said: In this case the charge against the appellants was that during the period for which they engaged to serve in the Frontier Armed and Mounted Police they refused to serve in terms of the Act of 1878 in the Cape Mounted Rifles, with which corps the former was incorporated. Now the old Act under which these men contracted specifies that if "during the period for which he shall "have engaged to serve in the *said* force," he shall desert, refuse to obey orders, and so on certain punishments shall ensue. And in the Rifles Act the same offences are mentioned as punishable. Now the question is whether the prisoners did refuse to serve in the Rifles. It must be borne in mind in the first place that these men had not yet since the passing of this Act done duty in the Rifles. The evidence of Captain Grant himself is expressed to that effect. But the prisoners are brought forward at parade, and certain specific questions are put to them: "Will or will you not serve in the Mounted "Rifles for the unexpired term of your service in the Police?" The prisoners and their witnesses say the question was "Are you or are you not willing to serve in the Mounted "Rifles?" Looking at all the circumstances and at the weight of evidence, I am bound to believe that it was somewhat in this last form, and that the prisoners reasonably came to the conclusion that it was left to their option whether they would serve in the Rifles; especially considering that up to that time they had not served in the Rifles. But they said "No," not intending, as I take it, to refuse duty, if ordered, but that they were unwilling to serve voluntarily. That being my view, I think they should not have been convicted under this second section—there should have been some overt act of disobedience to have validated the conviction. I think the question was very improperly put. To have tested their obedience Captain Grant should have given them some order, and on their refusal to have punished them. This sentence cannot be sustained.

Mr. Justice Fitzpatrick concurred, though it seemed to him that in putting the question as he did, Captain Grant was only complying with the orders of his superior officer. Under the circumstances it was reasonable enough for the men to conclude that they were being allowed the option of service.

Mr. Justice Dwyer also concurred, and remarked that the very objection now successfully raised seemed to have occurred to the learned Judge, who approved the sentence passed by the magistrate, for he suggested that the men should be charged with some particular act of disobedience.

Act No. 9 of 1878.

V. R.

Cape of Good Hope.

Analysis.

Preamble.

1. Repeal of Acts 3 of 1855, 21 of 1856, 3 of 1868, and 14 of 1875.
2. Embodiment of men, and purposes thereof.
3. Title of the force.
4. Force to be divided into two wings. Organization thereof.
5. Field and other officers to be appointed by Governor.
6. Governor to make regulations.
7. Duty of officers.
8. Powers and privileges of the force.
9. Offences and penalties.
10. Stoppage of pay in certain instances.
11. Offences not summarily dealt with to be reported and proceedings thereupon.
12. Constitution of board of officers to try offences.
13. Proceedings before such board to be similar to those in criminal cases before magistrates.
14. Summoning of witnesses.
15. Sentences to hard labour to be transmitted to Supreme or Eastern Districts Court, and appeal allowed thereon.

16. Places of imprisonment for offenders under this Act.
17. Term of imprisonment not to reckon in term of service.
18. Provisions of Act not to prevent prosecutions under other laws.
19. Power of suspension and dismissal of non-commissioned officers.
20. No tolls payable by riflemen on duty.
21. Penalty for attempting to exact tolls.
22. Penalty for personation of riflemen.
23. Superannuation, pensions, and gratuities.
24. Gratuities to riflemen wounded or injured in execution of duty.
25. Penalty for false statements.
26. Calculations of pensions and gratuities.
27. Pensions and gratuities not to be executable or assignable.
28. No pension, &c., claimable of right.
29. Penalty on dealers in wines and spirits for harbouring riflemen on duty.
30. Penalty for taking pledges, &c., of horses, arms, and accoutrements.
31. No such articles executable nor subject to sequestration.
32. Compensation for extraordinary services.
33. Limitations of actions and prosecutions against riflemen.
34. Ordinance No. 25 of 1847 not to apply.
35. Costs of carrying out Act.
36. Short title.

ACT to organize, establish, and regulate a Force for the better Protection of Life and Property in the Colony, to be called "The Cape Mounted Riflemen."—[Assented to 2nd August 1878.]

Preamble.

WHEREAS it is expedient that the present constitution of the force known as the "Frontier Armed and Mounted Police," should be amended and remodelled, and a new force created upon the basis thereof: Be it therefore enacted by the Governor of the Cape of Good Hope, by and with the advice and consent of the Legislative Council and the House of Assembly thereof, as follows:

Repeal of Acts 3 of 1855, 21 of 1856, 3 of 1868, and 14 of 1875.

I. The several Acts of Parliament, being respectively No. 3 of 1855, No. 21 of 1856, No. 3 of 1868, No. 2 of 1875, and No. 14 of 1875, are hereby repealed: Provided that such repeal shall not invalidate or affect anything lawfully done under any such Acts, or under any rules or regulations duly framed under the same, previously to the passing of this Act: Provided also that such repeal shall not have the effect of discharging any person enrolled or embodied under the provisions of the said Acts respectively from any service which he may be liable to fulfil under such Acts respectively, or of infringing upon any rights acquired under such Acts as aforesaid.

PART I.—CONSTITUTION OF THE FORCE.

Embodiment of men, and purposes thereof.

II. The Governor, with the advice of the Executive Council, shall cause such a sufficient number of fit and able men as Parliament shall, from year to year provide for to be embodied to serve as an armed and mounted force, who shall be sworn before a justice of the peace to act as a police in and throughout the Colony, for preserving the peace and preventing robberies and other crimes, and apprehending offenders against the peace, and also as a military force for the defence of the Colony.

Title of the force.

III. The force so embodied shall be called "The Cape Mounted Riflemen," and the existing force known as the "Frontier Armed and Mounted Police" shall be incorporated with it and merged therein.

Force to be divided into two wings, organisation thereof.

IV. The said force shall consist of two divisions or wings, each of which shall be under the command of a competent field officer, to be styled lieutenant-colonel, and other officers, to be styled captain and lieutenant respectively, to be from time to time appointed as hereinafter provided, and all such officers shall be under, and subject to, the orders and command of the commandant-general of the forces of this Colony, to whom such field officers shall from time to time as occasion may require, or whenever they shall be called upon so to do by the said commandant-general, report on the condition of the force under their command, and on all matters of importance connected therewith; and shall consult with and be guided by the advice of the said commandant-general in respect of the subjects of such reports.

Field and other officers to be ap-

V. The Governor, with the advice aforesaid, shall by warrant under his hand appoint the field officers in the preceding section mentioned, and such other officer as he may deem expedient for the general superintendence and management of the said force, saving

all just rights now existing; and may from time to time displace and remove such officers and appoint others in their place, as to him shall seem meet: Provided that no officer so appointed shall be promoted to any higher grade than that to which he was first nominated without passing a satisfactory examination in such subjects as the Governor, with the advice aforesaid, shall from time to time settle and appoint, and before such examiners as the Governor, acting as aforesaid, shall from time to time nominate. pointed by Governor.

VI. The Governor, acting as aforesaid, shall from time to time make such regulations respecting the training, arms and accoutrements, clothing and equipment, of such force, and respecting all other matters connected therewith, as may be required for promoting the discipline and efficiency thereof; and shall also direct the employment and distribution of the said force within or without the Colonial boundary as to him shall seem meet. Governor to make regulations.

VII. It shall be the duty of the field and other officers of the said force, to suppress all tumults, riots, affrays, or breaches of the peace in any part of the Colony where they may be on duty, and to assist in the defence of the Colony, and to discharge military duties in connexion therewith when called upon so to do. Duty of officers.

VIII. The members of the aforesaid force so sworn as aforesaid shall (except as in the thirty-fourth section is excepted) throughout the Colony have all such powers and privileges and be liable to all such duties and responsibilities as any police officers or constables may by law have or be liable to, and shall obey all lawful directions touching the execution of their office which they may from time to time receive from their officers. Powers and privileges of the force.

Part II.—Discipline.

IX. Any member of the force who may be charged with the offence of contravening any regulation which may be made under and by virtue of this Act, or any of the offences in the schedule hereto, may be tried by and before:—1. Any of the superior courts of law in this Colony within the jurisdiction of which such offence shall have been committed; 2. The court of the resident magistrate of the district in which such offence has been committed; or 3. A board of officers as herein-after mentioned. And shall upon conviction be liable to be punished as follows: Offences and penalties.

1. If the conviction shall be before any of the said superior courts, such court may sentence the offender to be imprisoned, with or without hard labour, for a period not exceeding five years, or to pay a fine not exceeding twenty pounds, and in default of payment thereof to be imprisoned, with or without hard labour, for any period not exceeding one year; or to both such fine and such imprisonment.
2. If the conviction shall be before a court of resident magistrate, such court may sentence the offender to pay a fine not exceeding ten pounds, and in default of payment thereof to be imprisoned, with or without hard labour, for any period not exceeding six months; or to be imprisoned as aforesaid without the infliction of any fine; or to both such fine and such imprisonment.
3. If the conviction shall be by a board of officers, such board may sentence the offender as mentioned in the last preceding paragraph.

X. In case any non-commissioned officer or private shall offend against any such regulation as aforesaid, it shall be lawful for any officer commanding a troop, or any officer commanding a detachment of the said force, to stop from the pay of such offender any sum not exceeding one pound, or to sentence him to imprisonment, with or without hard labour, for any period not exceeding fourteen days, or to sentence him to such punishment as may be provided on that behalf in any such regulation as aforesaid, or such officer may take proceedings for the purpose of such offender being tried under the ninth section of this Act; provided that such offender shall, if he so request, have a right to have such proceedings taken instead of being tried by such officer; and provided also that any officer who shall try any offender under the provisions of this section shall forthwith after such trial forward the proceedings in, and full particulars of, the case to the field officer commanding the wing in which such offender is serving. Stoppage of pay in certain instances.

XI. Upon any member of the force being charged with having committed any of the offences in this Act mentioned, the charge, in case the offence shall not have been summarily dealt with under the last preceding section, shall be forthwith reported to the officer in command of the troop or detachment to which such offender is then attached, who shall thereupon forthwith report the particulars of the case to the field officer of his wing of the force, who shall, having regard to the said particulars and the nature and magnitude of the offence, direct whether the offender shall be proceeded against before a board of officers as aforesaid, before the court of resident magistrate having jurisdiction in the case, Offences not summarily dealt with to be reported and proceedings thereupon.

or (as to offences in the ninth section hereof mentioned) before a superior court as aforesaid: Provided that nothing herein contained shall prevent the said officer or the field officer from ordering the discharge of any prisoner in case it appears to him that there are not sufficient grounds for putting such prisoner upon his trial; and if the proceedings are directed to be before a superior court, or before a court of resident magistrate, they shall be the same in all respects as in the case of an ordinary offender or supposed offender against the law, and the said offender shall be in the same plight and condition as any other person charged with criminal offence.

Constitution of board of officers to try offences.

XII. The board of officers herein-before mentioned shall consist of not less than three officers of the said force, of whom the field officer commanding the wing in which the accused is serving may be one; and the said officers shall be selected and summoned by the said field officer. The said field officer, if present, and, if not, the senior officer present, shall be the president of such board, and the decision of the majority of the members of such board shall be deemed to be the decision of such board: Provided that, in case the members of the said board shall be equally divided in opinion, the decision of the president shall be deemed to be the decision of the board.

Proceedings before such board to be similar to those in criminal cases before magistrates.

XIII. The proceedings before and at any trial by a board of officers shall, except otherwise herein mentioned, as near as may be, be the same as those from time to time prescribed as to criminal cases in a court of resident magistrate; and all the evidence which may be given before such board shall be taken down in writing by the president thereof, by whom also the witnesses shall be duly sworn; and any person so sworn, who shall wilfully and corruptly give false evidence before any such board, shall be deemed to be guilty of the crime of perjury, and upon conviction thereof, shall suffer any punishment by law provided for that crime.

Summoning of witnesses.

XIV. Every person who may be required to give or produce evidence in any case pending before any such board shall be summoned, in writing, by any officer of the said force; and all witnesses so duly summoned who shall not attend, or attending shall refuse to be sworn, or being sworn shall refuse to give evidence, or not produce the documents under their power or control required to be produced by them, or to answer all such questions as the said board may legally demand of them, shall be liable to be dealt with by such board in like manner as if such witness had been a witness duly summoned to appear before a resident magistrate in a criminal case pending in the court of such resident magistrate.

Sentences to hard labour to be transmitted to Supreme or Eastern Districts court, and appeal allowed thereon.

XV. When and as often as any such board as aforesaid shall sentence any offender under this Act to be imprisoned, with or without hard labour, for any period exceeding fourteen days, or to pay a fine exceeding one pound, the president of such board shall forthwith, after pronouncing such sentence, transmit the original proceedings in the case, together with such remarks, if any, as he may desire to append, to the registrar of the Supreme Court, or if the trial has taken place within the jurisdiction of the Eastern Districts Court, to the registrar of that court; and the provisions of the forty-seventh, forty-eighth, and forty-ninth sections of the Act No. 20 of 1856, intituled "An Act for amending and "consolidating the Laws relative to the Courts of Resident Magistrates," shall *mutatis mutandis* extend and apply to such proceedings as if the same had been proceedings in a case decided by a court of resident magistrate which, under the said forty-seventh section, whould have had to be sent for review by a judge of one of the superior courts.

Places of imprisonment for offenders under this Act.

XVI. All offenders arrested for any offence under this Act, and all offenders sentenced to imprisonment by an officer or board of officers as aforesaid, may be imprisoned in any building set apart as a guard-room or police prison by order of the field officer commanding: Provided that, in case the sentence shall exceed fourteen days' imprisonment, with or without hard labour, the person convicted shall be removed to the nearest public gaol, there to undergo such sentence, and when so removed he shall be in the same plight and condition as if the sentence had been a sentence of one of the ordinary courts of law of this Colony: And provided also, that so long as any man shall be imprisoned in any guard-room or prison as aforesaid the same shall as to such offender be deemed to be a public gaol, and the prisoner shall be deemed to be a prisoner confined therein within the meaning of the Ordinance No. 24 of 1847, intituled "Ordinance for improving "the Gaols of this Colony," but every board of officers aforesaid and the resident magistrate of the district shall have the like jurisdiction and powers as to offences committed by any such prisoner while imprisoned in any such guard-room or prison as by the Ordinance aforesaid are given to the resident magistrate of the district as to the public gaols within his district.

Term of imprisonment not to reckon

XVII. No period during which any offender shall be imprisoned for any offence for which he shall be afterwards convicted, or during which he shall be imprisoned under a sentence of any court or board as aforesaid, shall be reckoned for any purpose as part of

the period of the service of such offender unless the court or board aforesaid ordering such imprisonment shall otherwise direct. in term of service.

XVIII. Nothing in this Act contained shall prevent any offender from being prosecuted otherwise than under the provisions of this Act in all cases in which he would by law, without this Act, be liable to such prosecution; but no member of the said force acquitted or convicted of any crime or offence under the provisions of this Act shall be liable to be again tried for the same offence: Provided that nothing herein contained shall prevent a member of the force who has been acquitted or convicted from being dismissed from the said force or reduced in rank therein. Provisions of Act not to prevent prosecutions under other laws.

XIX. It shall be lawful for the said field officers respectively to suspend or dismiss from his employment any non-commissioned officer or private whom he shall think remiss or negligent in the execution of his duty, or otherwise unfit for the same; and when any such non-commissioned officer or private shall be so dismissed, or shall otherwise cease to belong to the said force, all powers and authorities vested in him by virtue of this Act shall cease and determine: Provided however, that no sentence of dismissal shall take effect unless and until the same be confirmed by the commandant-general of the Colonial forces. Power of suspension and dismissal of non-commissioned officers.

Part III.—Privileges and Pensions.

XX. Every officer and man of the said force, when in uniform, whose duty it shall be, in proceeding to or from any place, to pass through any toll-bar, or over any ferry, at or in respect of which the payment of toll shall now be or may hereafter be lawfully demanded, shall be exempted from the payment of any such toll in respect of himself and of any animal and vehicle that may be required for the performance of the duty on which he may be employed. No tolls payable by riflemen on duty.

XXI. If any person duly authorised to collect tolls in respect of unvetery shall wilfully subject any officer or man of the said force to unreasonable delay or detention in respect to the passage over such ferry, then such person shall be liable on conviction to a penalty not exceeding five pounds. Penalty for attempting to exact tolls.

XXII. If any person, not being an officer or man of the said force, shall wilfully personate such officer or man, or if any such officer or man of the force, not then being on duty, shall falsely represent himself to be such officer or man on duty, with the intent to evade the payment of any toll legally payable by him, such person shall on conviction be liable to a penalty of not exceeding five pounds sterling, or in default thereof to imprisonment for a period not exceeding one calendar month, unless such fine be sooner paid. Penalty for personation of riflemen.

XXIII. It shall be lawful for the Governor, with the advice of the Executive Council, and under the conditions herein-after mentioned, to order that any member of the said force, of whatever rank, shall be superannuated, and thereupon to authorise and direct that such member shall receive from and out of the public revenue of this Colony a gratuity or yearly pension as follows, that is to say, if such member shall have served in the said force for a period less than fifteen years, a gratuity equal to one month's pay for each year's service, the pay being taken to be that received by such member at the time of his superannuation, and if such member shall have served in the said force for a period of fifteen years, an annual pension equal to fifteen-fiftieths of the yearly pay of such member, which pay shall be taken to be the average of his yearly pay for the three years next preceding his superannuation, and an additional one-fiftieth of such yearly pay for each year such member shall have served in the said force beyond the said period of fifteen years; but no such member shall receive a pension equal to more than thirty-fiftieths of his yearly pay as aforesaid, unless in the cases hereafter mentioned; and provided that no member of the said force who shall be under the age of fifty years shall be capable of receiving any such gratuity or pension, unless it shall be certified in writing by the surgeon of the said force, or some other competent medical officer to be appointed by the Governor, acting by and with the advice aforesaid, for the purpose, that such member from infirmity of mind or body is incapable of discharging the duties of his situation, and that such infirmity is likely to be a permanent one. Superannuation, pensions, and gratuities.

XXIV. In case any member of the said force shall be disabled for the performance of his duty by reason of any wound or injury received by him when in the field and engaged with an enemy, or in the actual execution of his duty, or any member of the said force shall, in the opinion of the Governor, acting by and with the advice aforesaid, have merited the same, it shall be lawful for the Governor, with such advice, to award to such member, whatever may be his age or time of service, such gratuity not exceeding an amount equal to three years' pay, or such yearly pension not exceeding the full pay of Gratuities of riflemen wounded or injured in execution of duty.

each member, as to him may seem fit: Provided that the reasons for giving any such gratuity or pension shall be set forth in the warrant or authority granting the same, and a return showing the amounts and particulars of any payments under this section shall be laid on the table of both Houses of Parliament at the then next ensuing session of Parliament.

Penalty for false statements.

XXV. If any member of the said force in receipt of a pension under this Act shall wilfully or knowingly have made, or caused to be made, any false statement or representation, in order to obtain such pension, he shall forfeit all right and claim to such pension, and no pension shall be claimable by any pensioner during the time he may be undergoing punishment for any crime.

Calculation of pensions and gratuities.

XXVI. In calculating the amount of any gratuity or pension payable under this Act, if the person to receive the same shall at the time of his superannuation have been obliged to keep a horse or horses out of his pay, the sum of twenty pounds for the keep of each such horse shall be deducted from such pay.

Pensions and gratuities not to be executable or assignable.

XXVII. No pension payable under this Act shall be assignable or transferable, nor shall the same be attached, arrested, or levied upon for or in respect of any debt or claim due by the recipient thereof or his wife.

No pension, &c. claimable of right.

XXVIII. Nothing in this Act contained shall be construed so as to entitle any member of the said force to claim as a matter of right any gratuity or pension as aforesaid, or to prevent any such person from being unconditionally dismissed or discharged from the said force.

Part IV.—General.

Penalty on dealers in wines and spirits for harbouring riflemen on duty.

XXIX. If any licensed or unlicensed dealer in wines and spirits or any intoxicating liquors shall knowingly harbour or entertain any man belonging to the said force, or permit such man to abide or remain in his house, shop, room, or other place during any part of the time appointed for his being on duty elsewhere, every such dealer shall, for a first offence, forfeit and pay any sum not exceeding ten pounds, to be recovered in a summary way; and for a second or subsequent offence shall be liable, besides such penalty, to imprisonment for any period not exceeding one month, with or without hard labour.

Penalty for taking pledges, &c. of horses, arms, and accoutrements.

XXX. If any person shall, in consequence of any sale, pledge, or other disposition made by any member of the said force, in contravention of paragraph No. 17 of the schedule to this Act, knowingly receive or have any animal, article, matter, or thing in the said section mentioned, such person shall incur and be liable to a fine not exceeding twenty pounds, and, in default of payment thereof, shall be liable to be imprisoned and kept at hard labour for any period not exceeding three months, unless such fine be sooner paid.

No such article executable nor subject to sequestration.

XXXI. No animal, article, matter, or thing mentioned in paragraph seventeen in the schedule to this Act, and therein forbidden to be sold, pledged, or otherwise disposed of, shall be capable of being seized or attached by or under any writ of execution which may be sued out against any member of the said force, nor shall the same pass by or under any order made for the sequestration of the estate of any such member.

Compensation for extraordinary services.

XXXII. It shall be lawful for the Governor, acting by and with the advice aforesaid, to award to any of the men belonging to the said force such sum of money as to him shall seem meet, as a reward for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries received in the performance of their duty, or as an allowance to such of them as shall be disabled by bodily injury received, or shall be worn out by length of service.

Limitation of actions and prosecutions against riflemen.

XXXIII. For the protecton of persons acting in the execution of the Act, all actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be commenced within four calendar months after the cause of action shall have arisen or offence be committed, and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action; and if a verdict shall be given for the defendant, or the plaintiff be non-suited or discontinue any such action after issue joined, or if, upon exception or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client.

Ordinance No. 25 of 1847 not to apply.

XXXIV. Nothing contained in the Ordinance No. 25, 1847, entitled "Ordinance for "improving the police of this Colony," shall extend to the force aforesaid in this Act mentioned.

XXXV. All costs and charges for carrying out this Act shall be paid out of such moneys as Parliament shall provide for the purpose. Costs of carrying out Act.

XXXVI. This Act may be cited for all purposes as the "Cape Mounted Riflemen Act, 1878." Short title.

SCHEDULE of Offences referred to in this Act.

1. Beginning, inciting, causing, or joining in any mutiny or sedition.
2. Being present at any mutiny or sedition and not using his utmost endeavour to suppress the same.
3. Conspiring with any other person to cause a mutiny or sedition.
4. Knowing of any mutiny or sedition and not without delay giving information thereof to his immediate commanding officer.
5. Striking or offering violence, or using threatening or insubordinate language to a superior officer in the forces, being in the execution of his duty.
6. Disobeying the lawful command of a superior officer in the force.
7. During the period for which he shall have engaged to serve in the said force deserting from the same or refusing to serve therein, or advising or persuading any other member of the said force to desert from the same, or knowingly receiving and entertaining any deserter and not immediately on discovery giving information to his commanding officer, or taking other means to cause such deserter to be apprehended.
8. Misbehaving before the enemy, or shamefully abandoning or delivering up any fort, post, camp, station, or guard committed to his charge, or which it was his duty to defend, or inciting any other person so to do.
9. Discharging any firearms, making any signal, or by other means whatsoever intentionally occasioning false alarm in action, camp, or quarters.
10. Casting away his arms in presence of an enemy.
11. Being, while a sentinel, found sleeping on his post, or leaving the same before being regularly relieved.
12. Disclosing, verbally or in writing, the numbers, position, or preparations of the force or forces to which he is attached, and by such disclosure producing effects injurious to the service to which he belongs.
13. Being in the command of a guard, piquet, or patrol, and without proper authority releasing any prisoner committed to his charge, or suffering him to escape.
14. Being found drunk on any duty under arms.
15. Malingering, feigning, or producing disease or infirmity, or wilfully maiming or injuring himself or any other member of the force, whether at the instance of such other member or not, or causing himself to be maimed or injured by any other person, with intent thereby to render himself or such other member unfit for service.
16. Taking any bribe or gratuity whatever with reference to any duty imposed upon him, or wilfully neglecting to execute any warrant entrusted to him.
17. Selling, pledging, or otherwise disposing of any horse, saddle, bridle, gun, clothing, ammunition, or other article or equipment which by the regulations of the said force for the time being he shall be required to keep and possess.

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